13550. By Mr. VINCENT of Michigan: Petition of citizens of Saginaw County, Mich., in opposition to proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

13551. By Mr. WYANT: Petition of the Henry Phipps Institute for the Study, Treatment, and Prevention of Tuberculosis, favoring passage of Senate bill 5473, allowing a pension of $150 a month to Mrs. Joseph Goldberger; to the Committee on Pensions.

## SENATE

### THURSDAY, *February 28, 1929*

*(Legislative day of Monday, February 25, 1929)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15524. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac, from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital;

H. R. 17212. An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes; and

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus.

#### NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The VICE PRESIDENT. In accordance with an act of Congress approved June 6, 1924, the Chair appoints Hon. ARTHUR CAPPER, a Senator from the State of Kansas, to serve as a member of the National Capital Park and Planning Commission until the chairmen of the committees of the Senate of the Seventy-first Congress shall be chosen.

#### CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | McKellar | Smoot |
| Barkley | Frazier | McMaster | Steiwer |
| Bayard | George | McNary | Stephens |
| Bingham | Gerry | Mayfield | Swanson |
| Black | Glass | Metcalf | Thomas, Idaho |
| Blaine | Glenn | Moses | Thomas, Okla. |
| Blease | Goff | Neely | Trammell |
| Borah | Gould | Norbeck | Tydings |
| Bratton | Greene | Norris | Tyson |
| Brookhart | Hale | Nye | Vandenberg |
| Broussard | Harris | Oddie | Wagner |
| Burton | Harrison | Pine | Walsh, Mass. |
| Capper | Hastings | Ransdell | Walsh, Mont. |
| Copeland | Hawes | Reed, Pa. | Warren |
| Couzens | Hayden | Robinson, Ark. | Waterman |
| Curtis | Heflin | Robinson, Ind. | Watson |
| Deneen | Jones | Sackett | Wheeler |
| Dill | Kendrick | Schall | |
| Edge | Keyes | Sheppard | |
| Fess | King | Shortridge | |

Mr. WATERMAN. I desire to announce that my colleague the senior Senator from Colorado [Mr. PHIPPS] is detained at home by illness. I will let this announcement stand for the day.

Mr. BRATTON. My colleague the junior Senator from New Mexico [Mr. LARRAZOLO] is detained from the Senate by illness. This announcement may stand for the day.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Seventy-seven Senators having answered to their names, a quorum is present.

#### PETITIONS AND MEMORIALS

Mr. WARREN presented the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Finance:

Enrolled Joint Memorial 2

TWENTIETH LEGISLATURE, STATE OF WYOMING,
IN THE SENATE.

An act memorializing the Congress of the United States in favor of increased tariff protection for the turkey and sugar industries of Wyoming and other States interested in such industries

*Be it resolved by the Senate of the Twentieth Wyoming State Legislature (the House of Representatives concurring)*, That the Congress of the United States be memorialized as follows:

Whereas the industry of producing and raising turkeys has now progressed to a point in this State where it is one of the principal State industries; and

Whereas enormous quantities of dressed turkeys are shipped into this country from foreign countries, notably Russia, in the summer months of each year, and are placed in cold storage and are thereafter placed on the market in competition with freshly killed Wyoming dressed turkeys in the fall and holiday seasons of each year; and

Whereas the present tariff rate of 6 cents per pound upon such dressed turkeys is inadequate and furnishes no sufficient protection to the industry in Wyoming and other States similarly situated; and

Whereas another of the principal industries of this State, to wit, the sugar industry, is now, and has been for many months suffering from a lack of tariff protection against foreign sugar; and

Whereas sugar is now permitted to be brought into this country free of duty from the insular possessions of the United States, the Philippines, Porto Rico, and others; and

Whereas it is generally recognized that sugar from foreign countries is in active competition with Wyoming-made sugar; and

Whereas many of the most successful farmers in Wyoming are now raising sugar beets as their principal crop, and are receiving an inadequate price therefor because of the lack of a sufficient tariff barrier against foreign sugar from many foreign sugar-producing countries; and

Whereas the manufacturers of sugar in this State have invested many thousands of dollars in their plants and equipment for the refining of Wyoming-grown sugar beets: Now therefore be it

*Resolved*, That the Congress of the United States be, and it is hereby, respectfully and urgently requested—

First. To increase the tariff upon foreign-grown turkeys as and when imported into this country from 6 cents per pound to 12 cents per pound.

Second. To increase the tariff upon all foreign sugar to such extent as to give adequate protection to the home industry and to prevent the further free entry of sugar from the Philippines and Porto Rico to such extent as will guarantee reasonable protection to the United States industry; and be it further

*Resolved*, That certified copies of this memorial be sent to Senator FRANCIS E. WARREN, Senator JOHN B. KENDRICK, and Hon. CHARLES E. WINTER, Representative in Congress for the State of Wyoming.

FRANK O. HORTON,
*President of the Senate.*
MARVIN L. BISHOP, Jr.,
*Speaker of the House.*

Approved at 4.42 p. m., February 21, 1929.

FRANK C. EMERSON, *Governor.*

Mr. ASHURST presented the following memorial of the State Senate of Arizona, which was referred to the Committee on Mines and Mining:

NINTH LEGISLATURE, REGULAR SESSION,
STATE SENATE.

Senate Memorial 4 (introduced by Committee on Mines and Mining)

*To the Senate and House of Representatives of the Congress of the United States:*

Your memorialist, the Senate of the Ninth Legislature of the State of Arizona, in regular session assembled, respectfully represents that—

Whereas mining is a major industry of the State of Arizona, and the development of mineral resources is essential to its prosperity and advancement; and

Whereas such development is in a large measure dependent upon the legitimate regulated sale of mining stocks and securities through the medium of stock exchanges and curb exchanges throughout the country; and

Whereas it has come to the notice of your memorialist that certain curb exchanges, acting through their authorized committees, have adopted policies relative to the listing of and dealing in stocks and securities

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of American-owned mine development companies, prejudicial thereto, and at variance with and less favorable than their policy and requirements as to the listing of and dealing in stocks and securities of similar foreign-owned companies, and companies other than mining companies, which policy, if effectuated, would greatly retard the development of the mining industry of this State;

Now, therefore, your memorialist prays; That Congress do take all necessary steps and proceedings to cause investigation to be made of the methods and regulations of curb exchanges throughout the United States relative to the listing of and dealing in stocks and securities of American-owned mine development companies, as compared with methods and regulations made use of in connection with the listing of and dealing in stocks and securities of similar foreign-owned companies and companies other than mining companies.

That if favoritism or discrimination adverse to the American-mining industry, or any other lawful industry, be found to exist, the Congress provide, by appropriate legislation, for the proper regulation and control of the listing of and dealing in of stocks and securities, by and through curb exchanges, and for the penalizing of favoritism or discrimination in such listing or dealing; and be it further

*Resolved*, That the secretary of the Senate transmit copies of this memorial to Arizona's representatives in Congress, and to the proper officers of the Senate and House of Representatives of the United States.

Unanimously adopted February 21, 1929.

H. W. HILL,
*President of the Senate.*
W. J. GRAHAM,
*Secretary of the Senate.*

REPORTS OF COMMITTEES

Mr. STEIWER, from the Special Committee Investigating Presidential Campaign Expenditures, submitted a report (No. 2024), pursuant to Senate Resolutions 214 and 234, relative to expenditures by various presidential candidates, etc.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (H. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930, reported it without amendment.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16839) to provide for investigation of sites suitable for the establishment of a naval airship base, reported it without amendment and submitted a report (No. 2025) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16662) to authorize appropriations for buildings, sites, and other facilities for the free public library of the District of Columbia, reported it without amendment and submitted a report (No. 2026) thereon.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 16131) to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries, reported it without amendment.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 61. An act granting an increase of pension to Louise A. Wood;

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States;

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey;

S. 1766. An act for the relief of R. H. King;

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi;

S. 2206. An act to amend section 260 of the Judicial Code, as amended;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion*, who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 2695. An act for the relief of Gilliam Grissom;

S. 3002. An act for the relief of Mina Bintliff;

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4276. An act granting a pension to Edith Bolling Wilson;

S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928;

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;

S. 4604. An act for the relief of James L. McCulloch;

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes;

S. 4811. An act for the relief of C. J. Colville;

S. 4817. An act for the relief of the Federal Construction Co. (Inc.);

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers;

S. 5058. An act for the relief of George A. Hormel & Co.;

S. 5090. An act for the relief of Lewis H. Easterly;

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928;

S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. 224, sec. 241, title 22, U. S. C.);

S. 5879. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows;

S. 1727. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended;

S. 4517. An act to authorize the appropriation for tribal funds of Indians residing in the Klamath Reservation, Oreg., to pay expenses of the general council and the business committee, and for other purposes;

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.;

S. 5221. An act for the relief of Cary Dawson;

S. 5255. An act for the relief of present and former postmasters and acting postmasters, and for other purposes;

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.;

S. 5326. An act for the relief of Jessie L. Kinsey;

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying;

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co. at Denver, Colo.;

S. 5749. An act authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez;

S. 5766. An act for the relief of Andrew T. Bailey;

S. 5776. An act for the relief of Wynona A. Dixon;

S. J. Res. 58. Joint resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell;

S. J. Res. 196. Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land

embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38), and from the State of New Mexico to the State of Texas and from the State of Texas to the State of New Mexico as per decree of the Supreme Court of the United States in the case of New Mexico *v.* Texas (vol. 276, p. 557, U. S. Sup. Ct. Repts.), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; and

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NYE:

A bill (S. 5896) to facilitate the administration of the national parks by the United States Department of the Interior, and for other purposes; and

A bill (S. 5897) to provide for uniform administration of the national parks by the United States Department of the Interior, and for other purposes; to the Committee on Public Lands and Surveys.

CHANGE OF REFERENCE

On motion of Mr. KEYES, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (H. R. 16036) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system, and it was referred to the Committee on Military Affairs.

CLAIMS RELATIVE TO WAR FINANCE CORPORATION—CATTLE IN MEXICO

Mr. WATERMAN submitted the following resolution (S. Res. 344), which was ordered to lie over under the rule:

*Resolved,* That the War Finance Corporation is hereby requested to transmit to the Committee on Claims, on or before April 4, 1929, for the use of the committee, all letters, papers, records, and other documents, or certified copies of the same, relating to the claims referred to in the bill (S. 5682) for the settlement of claims arising with respect to the War Finance Corporation cattle in Mexico.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 15524. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital; to the Committee on Public Buildings and Grounds.

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus; to the Committee on the Library.

EXECUTIVE REPORTS

Mr. MOSES. Mr. President, as in executive session I submit some reports for the Executive Calendar.

The VICE PRESIDENT. The reports will be received and placed on the Executive Calendar.

ADDRESS BY ATTORNEY GENERAL JOHN G. SARGENT

Mr. GREENE. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the Attorney General of the United States, Hon. John G. Sargent, at a dinner of the Federal Bar Association in Washington on the 23d instant.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS AT DINNER OF THE FEDERAL BAR ASSOCIATION, MAYFLOWER HOTEL, WASHINGTON, FEBRUARY 23, 1929, BY THE ATTORNEY GENERAL OF THE UNITED STATES, JOHN G. SARGENT

Mr. Toastmaster and members of the Federal Bar Association, when I was invited to attend this dinner, I accepted with the distinct understanding that I be not called upon to speak.

Out of such material, by the use of a circular letter, the committee in charge created the present situation.

In casting about for a topic for discussion here, I find constantly recurring a subject on which (as I feel sure many of those here present can certify) I have been thoroughly instructed for a considerable number of weeks past, the great importance, amounting almost to a sine qua non, to a lawyer practicing and a judge sitting in the courts of the District of Columbia of a thorough knowledge of the common law.

So, my head being full, to the exclusion of other things, of the necessary qualifications for a good lawyer and a good judge in the District, it occurred to me the thing I was best prepared to do was to address you for a few minutes on the practice of the law in my native State, Vermont.

A Vermonter, William Slade, writing more than a hundred years ago, said:

"The general diffusion of intelligence constitutes the life of a free government. Upon every department of such a government the people exert an unremitted influence, and stamp on all its measures the impress of their own character. Called upon to act, they should become accustomed to think; and though they can not, ordinarily, possess extended and comprehensive views of other systems of government, they should, at least, understand their own. The whole science of government consists in a knowledge of the practical operation of principles. With the science, thus understood, the citizens of every free government owe it to themselves and their posterity to become familiarly acquainted. The preservation of their political institutions depends, under Divine Providence, on themselves. Those institutions therefore—their origin, their nature, their practical operation, and their whole history, should be studied and understood. The man who contemplates the subject in this light will sit down to the examination of the successive constitutions and laws of a government, with a far higher aim than the gratification of an idle curiosity. By tracing them to their origin, and pursuing them through their various modifications, he will furnish himself with the best means of understanding the nature and practical tendency of existing institutions."

The constitution of Vermont was formed, as the expression then and there was, July 2, 1777, by a convention which said of itself and its acts:

"Whereas * * * it is absolutely necessary for the welfare and safety of the inhabitants of this State that * * * a just, permanent, and proper form of government should exist in it, derived from, and founded on, the authority of the people only;

"We, the representatives of the freemen of Vermont, in general convention, met, for the express purpose of forming such a government, confessing the goodness of the Great Governor of the universe (who alone knows to what degree of earthly happiness mankind may attain by perfecting the arts of government), in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best for governing their future society; and being fully convinced that it is our indispensable duty, to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for or prejudice against, any particular class, sect, or denomination of men whatever, do by virtue of authority vested in us by our constituents ordain, declare, and establish the following declaration of rights and frame of government to be the constitution of this Commonwealth, and to remain in force therein forever, unaltered except in such articles as shall hereafter, on experience, be found to require improvement, and which shall, by the same authority of the people, fairly delegated, as this frame of government directs, be amended or improved for the more effectual obtaining and securing the great end and design of all government hereinbefore mentioned."

That constitution vested the "supreme legislative power" in a house of representatives consisting "of persons most noted for wisdom and virtue to be chosen by the freemen of every town in this State, respectively"; "the supreme executive power in a governor and council," but as to the judiciary said only:

"Courts of justice shall be established in every county in this State," And—

"The supreme court, and the several courts of common pleas of this State shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to perpetuating testimony, obtaining evidence from places not within this State, and the care of persons and estates of those who are non compos mentis, and such other powers as may be found necessary by future general assemblies, not inconsistent with this constitution."

Government under the constitution was not organized until March, 1778. In February, 1779, the legislature enacted:

"That common law, as it is generally practiced and understood in the New England States, be, and is hereby established as the common law of this State."

Very early in June, 1782, the Legislature of Vermont passed a statute, the first section whereof—after the preamble:

"Whereas it is impossible, at once, to provide particular statutes adapted to all cases wherein law may be necessary for the happy government of this people; and

"Whereas the inhabitants of this State have been habituated to conform their manners to the English laws, and hold their real estates by English tenures"—

enacted—

"that so much of the common law of England, as is not repugnant to the Constitution or to any act of the legislature of this State, be, and is hereby, adopted, and shall be, and continue to be, law within this State."

That statute, in almost the identical words, is still in force.

At the same session a statute was enacted:

"That there shall be, and hereby is, constituted, a supreme court of judicature within and for this State, to be held and kept annually, at the respective times and places in this act hereafter mentioned, by one chief judge and four other judges, to be chosen by ballot, by the governor, council, and general assembly, annually, at their October session, and commissioned for that purpose; any three of whom to be a quorum."

In 1786 Nathaniel Chipman was a justice, and in 1789 and 1790 he was chief justice of the supreme court of judicature.

The first reported decisions of this court are contained in the first 100 pages of a little duodecimo volume published by him in January, 1793, entitled:

Reports and Dissertations, in two parts (by Nathaniel Chipman, late Chief Justice), Part I being Reports of Cases Determined in the Supreme Court of the State of Vermont in the Years 1789 and 1791, and Part II being Dissertations on the Statute Adopting the Common Law of England, and on several other statutes no particular interest in the matter now under consideration.

Indeed, the chief interest to us in the whole book is perhaps not in the contents of the reports in Part I or the dissertations in Part II, but in the prefaces to each.

The preface to the reports is full of such delicious food for reflection for a bench and bar chiefly concerned with statutory law that I take the chance of wearying you with some quotations; mind you, he is talking about decisions of a court established in the wilderness for then less than 10 years.

"I do not apprehend any apology for publishing the following reports to be necessary. In our mode of practice a doubt lest the principles of some determinations may have been erroneous ought not to be a reason for withholding their publication. It is well known that the maxims and precedents of the English law do not with us apply in all cases. From a difference of government and a difference of customs the reason of cases frequently differs. The English common-law writers fail us in many instances. It becomes necessary, therefore, to investigate principles and establish precedents for ourselves. While former decisions rest only in the memory of the judge, overburdened in term, and perplexed with a multiplicity of cases; or, in the memory of counsel, frequently under a powerful bias in the recollection and statement little assistance in establishing uniform principles can be expected from precedents. Such is the order of courts and the mode of practice in this State that the judges can have little opportunity for deliberation.

"They are necessitated to form their opinions, as I may say, in transitu and on the urgency of occasion. It is, therefore, of importance to them, and to the public, that they should have an opportunity of reviewing as well what is wrong as what is right in their decisions. This may enable them to correct their former errors, and at leasure to discover those principles of justice, and the exceptions and limitations of each, which might have escaped their utmost sagacity in the hurry of the circuit. It may assist them, no less, in tracing, establishing, and rendering familiar, on every emergency, those permanent principles, of which they had, perhaps, caught only a glance on the occasion."

In the preface to the dissertations he is even better, and I am almost persuaded to turn the other cheek by the thought that I am given the opportunity to bring you this gem which, mayhap, has to this time been hidden from you.

"I have not the vanity to suppose, that the opinions contained in the following dissertations, are to be considered as precedents—they are only private opinions upon points of very considerable importance in the administration of law and justice, in this State. It has been my aim to derive these opinions from principles, which coincide with the principles of our Government, and the spirit of its laws; and to support them by reason, rather than by precedents.

"A knowledge of the principles in which precedents are founded; and the true reason of their application is of much greater importance in the profession of the law than the knowledge of precedents only. The latter may serve to form the mere technical lawyer; the first leads to the fountains of justice, the existing relations of nature in society, and connects the principles of law with the true principles of morality.

"It is believed that the principles and reasons, an illustration of which is here attempted, have, if well founded, often occurred to gentlemen of the profession. To such these dissertations may be less useful; but I flatter myself that they may be, in some measure, useful to students by exciting them to the due use of their reasoning powers as well as the power of memory, and by furnishing them with some hints for proper estimate of precedents, their principles and application."

Now that we have seen the manner of approach, the attitude of mind of this dweller in the hills and forests, may I detain you a little longer to let him tell you something of how he regarded the relation of the common law to the statutory laws enacted here?

In his Dissertations upon the Statute Adopting the Common Law of England, Mr. Justice Chipman says:

"By the common law of England * * * are understood those rules and maxims by which decisions are made in their courts of law, whether in relation to the mode of prosecuting a right or to the right itself—rules and maxims which have been there adopted, 'time whereof the memory of man runneth not to the contrary' * * *.

"The aforegoing statute, adopting the common law of England in this State, has rendered a knowledge of that law indispensable in our courts. This statute expressly limits the adoption of the common law to so much as is not repugnant to the constitution or any act of the legislature of this State. * * * We have, strictly speaking, no common law officers—all the offices in this State are established and the duties in general terms pointed out by the constitution or by statute. The terms and expressions adopted in both are frequently derived from the common law. * * * these powers and duties are derived from the constitution and statutes of this State and limited by them—the manner in which these shall be exercised, if not pointed out by our laws, must be learned from the common law of England, so far as adopted here * * *.

"It is not my design to enumerate every instance in which the common law of England is to be applied in this State or in which it is excluded or restricted. It will be of more use to discover some general principles, which may enable us to distinguish properly in our applications.

"The common law of England is a system of rules, supported by precedents handed down from remote antiquity. These precedents have, by the body of the law, as is common enough with professional men, been held in too great veneration. A number of precedents in point, however obscure or uncertain the principles upon which they were founded, have been held fully decisive of a similar question; and yet many of these precedents were made at a time when the state of society and of property were very different from what they are at present, in an age when the minds of men were fettered in forms, when forms were held to be substances and abstractions real entities. Technical reasoning and unmeaning maxims, of course, frequently supplied the place of principles." * * *

"Cessante ratione, cessat et ipsa lex"—which, being translated, is, as you all of course understand, when the reason of a law ceases the law itself ceases—"was adopted as a maxim of the common law, for in those times nothing could be decided or altered without a precedent or a maxim. By the application of this maxim some precedents which were originally absurd, and some which had become inapplicable through a change of times and circumstances, were set aside. The progress, however, was slow. Men correct, or give up with reluctance, those things which cost them much pains in learning." * * *

"Legal right and wrong, particularly in criminal jurisprudence, have an intimate relation to the Constitution, principles, and circumstances of the Government. There will be a coincidence between the principles of the Government, the spirit of its criminal law, and the mode of interpretation and execution." * * *

"The monarchical principles have a silent but uniform influence on their criminal jurisprudence."

"At the time, when the common law was growing into a system by means of precedents, the judges were solely dependent on the Crown. Monarchy procures obedience no less by fear than by the principle of honor. The higher orders in the government, and the most aspiring characters, are influenced by the prospect of attaining honors. The multitude are restrained by fear." * * *

"The government of this State is that of a democratic republic. The principle of this government, by some called virtue, is a sentiment of attachment to its constitution and laws. This principle dictates moderation, in the enacting, in the interpretation, and execution of its laws. Here there is, perhaps, some danger, lest, through the influence of precedents, the courts should deviate from the spirit of moderation, the true spirit of our laws." * * *

"Lord Mansfield was powerfully attached to the monarchical and aristocratical principles of the British Government. Whenever these intervened, in a cause, they had great influence on his reasonings. In other questions merely of a civil nature, he was a great and a good judge. No judge, perhaps, in that country ever had a more thorough knowledge, both of the principles and precedents of the common law. His judicial opinion may be considered as a common-law precedent, in the construction of this statute. 'The law of England,' says he, 'would be an absurd science indeed were it decided upon precedents only. Precedents serve to illustrate principles and to give them a fixed certainty, but the law of England * * * depends upon principles, and these principles run through all the cases, according as they fall in with the one or the other of them.'

"We may then lay it down that this statute gives the citizens of this State the rules, maxims, and precedents of the common law so far as they serve to illustrate principles—principles only which from the situation of society with us exist in this State, but does not impose upon

them those principles which from the particular circumstances of that government exist only in England."

Under the stimulus of such a mind, of such a philosophy, the bench and bar of Vermont entered upon their development with the common law the cement holding together, filling in the spaces between, rounding out and making smooth the statutory enactments of a new legislature, a legislature having great greed and ambition to increase, magnify, and extend its functions until it should become and be the entire government.

Within eight years from its organization and before Chipman came to the bench the legislature had arrogated to itself and assumed to exercise the power to set aside judgments of the courts and grant new trials or determine the controversies itself, to determine between parties the titles to lands, to hear and grant divorces, to grant or deny pardons, remit fines, and other similar encroachments on the judicial and executive functions.

Always from the beginning the judges have been elected by the legislature, at first for terms of one year, but never for a term longer than two years.

Still, in the face of such a situation, the battle for principles, for the doctrine that the determination of controversies between parties, by the application to facts of existing law—statutory if such there be; the common law if no statute covered the matter—went steadily on; steadily and constantly words and phrases of the Constitution and of statutes were interpreted and construed in the light of what such or similar language had meant, had been construed to mean, by English and other American courts.

In such a forge and such a heat were shaped the anchors of our hope. Thanks to the principles of the common law those anchors are now strong and deeply imbedded.

The lines of demarcation between the executive, the legislative, and the judicial functions are now as clearly and plainly marked there as in any jurisdiction in the country.

An interesting instance of the complete repeal of existing law and the substitution of a rule diametrically opposite, controlling personal rights—without legislation and by common law methods—occurred two years after I came to the bar, in a criminal case prosecuted by my senior partner, Governor Stickney, then a young man, in whose office I had studied law and was then employed.

Counsel for Burpee, indicted and on trial for larceny of cattle, requested the court below to charge the jury that "in a criminal case the jury are judges of the law applicable to the case upon the testimony given in court, and that the jury have a right to adopt their own theory of the law, instead of the law as laid down by the court," and the court refused to so charge.

This charge, in substance, had been given in criminal causes, when requested, for at least 65 years, probably since the beginning and in a long series of cases for 40 years the Supreme Court had held that in all criminal cases the jury are by the common law the paramount judges both of the law and the facts.

As stated, the trial judge refused the respondent the charge as requested, and the fight was on.

The court delivered an exhaustive opinion, citing the arguments and opinions of English judges and commentators, including Blackstone, Glanville Coke, Littleton, Mansfield, and many later, and Justices Baldwin, Field, Story, Thompson, Chief Justice Wade, of Montana, Judge Campbell, of Michigan, and many other American jurists.

They quoted Thompson, who, when requested to instruct the jury that they were the judges of the law as well as of the fact, said: "I shan't; they ain't."

They quoted from the arguments of Judge Campbell:

"It is necessary for public and private safety that the law shall be known and certain, and shall not depend on each jury that tries a cause; and the interpretation of the law can have no permanency and uniformity, and can not become generally known, except through the action of the courts. * * * If the court is to have no voice in laying down these rules, it is obvious that there can be no security whatever, either that the innocent may not be condemned, or that society will have any defense against the guilty. A jury may disregard a statute just as freely as any other rule. A fair trial in time of excitement would be almost impossible. All the mischief of ex post facto laws would be done by tribunals and authorities wholly irresponsible, and there would be no method of enforcing with effect many of our most important and legal safeguards against injustice.. Parties charged with crime need the protection of the laws against unjust convictions quite as often as the public needs it against groundless acquittals. Neither can be safe without having the rules of law defined and preserved, and beyond the mere discretion of anyone."

And Chief Justice Wade:

"The end of all good governments is the honest and uniform administration of good laws. Safety comes to a people, and life, liberty, and property are secure when no one can be deprived thereof except by 'due process of law,' and when, in the adjudication of public and private rights, judicial authority speaks the pure voice of the law—'the law of the land.' The doctrine that jurors are judges of the law in criminal cases abolishes the sacred 'law of the land,' which, since the days of King John and Magna Charta, has been the birthright of all English-speaking people, and tends to the exercise of irresponsible arbitrary power. They are judges whose decision can not be reviewed. Their decrees are irrevocable and final. If they set aside a constitution or a statute, their act can not be questioned. If in the jury room they legislate and enact a law for the case in hand, it never sees the light of day; it is a mystery and a myth; no one can lay his hands upon it; no one can construe or interpret it; it affords no guide for the future, for it vanishes into nonentity the moment the verdict is returned, and the verdict makes no sign; the decision and the judges quickly disappear.

"'The showman and the show,
Themselves but shadows, into shadows go.'"

The court said, neither the constitution of this State nor its statutes confer in express terms this power upon jurors if they possess it; cited the statute adopting the common law of England; said further:

"Therefore, in this State, jurors do not possess the legal right to judge of the law as well as of fact, unless jurors had such right at common law. If such right existed at common law, but is repugnant to the constitution and laws of this State, then the common law does not confer such right. In other words, to establish that jurors have such right, it must appear that it existed at common law, and that it is not repugnant to our Constitution and laws."

And stated their conclusion to be:

"That the doctrine that jurors are the judges of the law in criminal cases is untenable; that it is contrary to the fundamental maxims of the common law from which it is claimed to take its origin; contrary to the uniform practice and decisions of the courts of Great Britain, where our jury system had its beginning and where it matured; contrary to the great weight of authority in this country; contrary to the spirit and meaning of the Constitution of the United States; repugnant to the constitution of this State; repugnant to our statute relative to the reservation of questions of law in criminal cases and passing the same to the Supreme Court for final decision."

We have had our share of reformers who have undertaken by acts of the legislature to regulate procedure in court so that about all that would be required to produce a lawsuit would be a letter to the court from the plaintiff, accusing the defendant of whatever derelictions the plaintiff saw fit, and a reply letter from the defendant setting out whatever he pleased on the subjects of the plaintiff's letter, and adding any grievances he had or could conjure up against the plaintiff, related or unrelated to the plaintiff's complaints; and thereupon they should introduce evidence upon any or all the matters suggested in their complaints and replies, and any others that they might think of during the trial and desire to add by way of amendment.

This kind of legislation which I have somewhere said should be entitled "Acts for the relief of incompetent lawyers," has always been met by rules of court requiring, notwithstanding the statute, clear and logical statement of facts constituting a cause of action, clear and explicit pointing out of defects relied upon by a demurrant, and clear and explicit denial or pleading of relevant facts in confession and avoidance.

The result is that to-day in Vermont the plaintiff's statement of his case must be in all its essential features a common-law declaration, and the defendant's demurrer or statement of his defense must be in its essential features a common-law demurrer or plea.

This is as it should be. There has never been devised a method of clearing away immaterial and irrelevant allegations, bringing out and setting up clear-cut issues of fact and law for trial and determination, superior to—nay, equal to—the common-law declarations, demurrer, plea, etc.

It is the logical result of the refining process of hundreds of years of practice and use; that it takes men of a high degree of courage, of steadfastness, to stand firm against a legislature—which puts them in office and keeps them there or turns them out—upon the proposition that the legislature must confine itself to the making of a substantive law regulating the rights of parties, and leave to the courts the regulations of the conduct of business in the courts.

I am inclined to think that the training the lawyers of Vermont have had in the study and application of the principles of the common law, the compulsion to the habit of thinking things through before they start, is one of the chief sources of that courage.

One further observation I should make here, for the special consideration of everyone who may have before him the question whether his course in any particular matter shall be shaped by present expediency in his own apparent interest or sound and wise policy in the interest of good government.

While under the elective system I have described in the earlier half of the State's existence changes in the bench were made frequently—judges were made and unmade at nearly every election—in the latter half the office of judge has attained a high degree of permanency; now, once a man is placed on the bench, he is reelected biennially as long as he is willing and able to serve.

Well, I have rambled on, telling you of our trials, failures, and successes up in the mountains—it may be, to your thought, without

interest to lawyers elsewhere. I think these matters are of interest in the administering of justice everywhere.

It is sometimes said that the common law is not a part of the Federal law of the Nation; certainly the source and obligation of all Federal law are in the written Constitution of the United States and statutes enacted under its authority; but, as certainly, the meaning and intent of the written language of the Constitution and those statutes, their application to the facts and acts and changing circumstances of the people, are to be found in the meaning language has come to bear through judicial construction for a thousand years before the constitution of Vermont was formed, and for a hundred and fifty years since.

The force of the reasoning in precedents, of construction in cases in point or analogous, is just as impelling on Federal tribunals in this country now as it was in the tribunals of England in 1775.

So the common law lives, vigorous, active, constantly adaptive and adapted to the life of the time, and will live so long as and wherever the English language is spoken, in whatever system of jurisprudence.

This must be so, because the meaning of the medium in which laws are expressed and recorded—language—is shaped, molded, and determined by it and by its processes.

When men in the Constitutional Convention at Philadelphia used words, legal terms, they necessarily used them in the sense they had come to have by judicial construction, for that was the sense which the words had in their thoughts.

But it is, and for a long time has been, fashionable in some quarters to rail at the common-law methods of working things out on precedent and reasoning, and to rush to a new statute, new legislation, new codification, for a panacea.

It is said that the law and its methods are too slow for the times; that the machinery of litigation lags behind the life it is installed to serve; that other fields of endeavor and activity have adopted new methods leading to greater accomplishment, and that statutes should be enacted to reform judicial procedure and processes, to infuse new life into the administration of justice, and so bring about greater accomplishment.

May I suggest that the way to remedy these defects is not by legislation undertaking to prescribe and regulate judicial procedure but by action of the judiciary improving their own procedure; and in the judiciary I include both the judges and the attorneys, officers of the court.

It is habit we fall into to take up hours of time, use up dictionaryfuls of words, stating, repeating, insisting over and over, upon matters which might better be stated in a few words once for all, ruled upon, and so disposed of.

We are apt to think of and criticize a judge who grows impatient of our iteration and wrangling, and shows a disposition to require it to cease, as being indisposed to be fair, to listen to reasoning; and judges, who desire of all things the good opinion of their brethren of the bar, too often yield effect to such criticism, and allow trials and hearings to string out to almost interminable lengths.

Let me propose to you that the judge who feels that by giving attorneys leeway to take time to state to him, over and over, day after day, principles and doctrines of the law which he knows before they begin to talk, is mistaken when he supposes he thereby wins and holds the good opinion of those he so allows to impose upon him. No man in any position wins the respect of another by allowing that other to impose upon him. No lawyer compliments a judge by undertaking in argument to instruct him in elementary principles; and by the practice and indulgence both fail in their duty to the Government and to the people of which it is composed.

Delays which occur in the administration of criminal laws, the trial and termination of criminal causes in the Federal courts, are due almost entirely to two causes—one, the provisions of our statute for removal of indicted persons from a judicial district where found and arrested to the judicial district in which the indictment is found and pending.

If a respondent has plenty of means—and ingenious counsel willing to receive a part of them—he may keep the prosecuting officers busy for two years or more in hearings in every grade of tribunal from United States commissioner to Supreme Court of the United States, before he can be taken from Chevy Chase, Md., into the District of Columbia for trial, though he has no defense whatever to the charge against him; for two years or more before he can be taken across the line between Brooklyn and New York City; from Maine to California; from any judicial district to another.

Nearly every Attorney General of the United States for 25 years past has called the attention of the Congress to this situation, but until the present Congress nothing has been done.

A bill to remedy it by empowering the judge of any United States court to issue a bench warrant founded on an indictment returned in his court, which shall run to and be served in any judicial district, has passed the House, is now on the Senate calendar upon a favorable report of the Judiciary Committee, and, I have no doubt, will become a law before the end of the Seventieth Congress, to its everlasting credit.

The other source of delay in bringing violators of the criminal law to justice is the entirely inadequate force of judges in some districts.

Wherever there are not enough judges to keep the calendar current, almost every respondent brought before the court demands a trial by jury, simply and only because he knows he can not be tried for a long time to come. If the court were in position to give him a jury trial at once, it would be the last thing he would ask for, instead of the first. Bills creating several new judgeships have been passed by the House, favorably reported in the Senate, and are now on the calendar. The Senate will, of course, pass them as soon as reached.

The Congress can and will give us a sufficient judicial force, and take away the obstacles to speedy trial existing in the removal proceedings it created years ago when means of transportation and communication were entirely different from the present; but judge and counsel alone can expedite business once the accused is in court.

Now I fear I have not told you anything new, but am consoled by the thought that probably it is nearer true than we realize that "there is no new thing under the sun."

I had intended to stop along about here, but when I read over what I have said about expediting business, and more speedy and certain administration of justice, I fear that it gives the impression of seeking means to secure more convictions, whether they ought to be secured or not. I would not have it so. I would that in the interpretation, application, and execution of the law, we use our reasoning faculties "in the spirit of moderation, the true spirit of our law," to secure right results, whether the judgments be for the Government or against it. I would always keep in mind that:

"These six things doth the Lord hate. Yea, seven, are an abomination unto Him: A proud look, a lying tongue, and hands that shed innocent blood; an heart that deviseth wicked imaginations, feet that be swift in running to mischief; a false witness that speaketh lies, and he that soweth discord among brethren."

And that a good chart for the guidance of a lawyer is:

"He will magnify the law and make it honorable."

"He shall not cry, nor lift up nor cause his voice to be heard in the street."

"A bruised reed he shall not break, and the smoking flax he shall not quench; he shall bring forth judgment unto truth."

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

Mr. DILL. Mr. President, under the unanimous-consent agreement the amendment is to be voted on in about five minutes. I recognize that I have taken a certain advantage of the rule in the fight I have made against the amendment, but I remind the Senate that the committee has taken advantage of another rule also. When the committee inserted in the bill an appropriation which has not yet been authorized by the joint resolution which passed the Senate, but is still pending in the House, it took advantage of a provision which was placed in the rules of the Senate for the purpose of meeting emergencies in the closing days of a session. I would not repeal the rule if I could. I believe it is a proper rule. But I submit that it was taken advantage of in a way that was never intended by those who framed the rules of the Senate, because it was taken advantage of to put an amendment on the bill which would not have been in order except for this provision of the rule which was made to meet the emergency conditions; and there is no emergency demanding an appropriation at this time for a survey of the Nicaragua canal area.

The fact of the matter is that with relations existing as they do between this country and Nicaragua, especially the fact that we have armed forces in Nicaragua, it is all the more important that we should do nothing that will give cause or color to the belief on the part of South and Central American people that we are taking whatever steps are necessary to be taken to justify the retaining of the marines in Nicaragua. Because the committee did take that advantage, I felt called upon to oppose the amendment as vigorously as I could.

I recognize that Senators were kept here late last night. I regretted that it became necessary, but I submit that I was not entirely to blame for the time that was taken. I want to say here and now that there is not another provision in this appropriation bill, and it is probable that in many years there has not been an appropriation put in any appropriation bill as this one was put in the pending bill, when there was no urgent demand for it.

The Senator from New Jersey [Mr. EDGE] last night stated that he had nothing to do with putting in the amendment, which is all the more proof to me that the administration is demanding that there be something done in Nicaragua regard-

ing the canal to justify keeping the marines down there when the causes for keeping them there are fast vanishing and they can not be maintained there in the face of the public opinion of the world which demands that these armed forces come out when order has been established, as it has been established in Nicaragua.

Mr. President, I recognize that the vote of the Senate will be to override my objection. I have done what I could to prevent steps being taken, which, in my judgment, will give new reasons for keeping the marines there and will result in their being kept there possibly permanently from now on. I think it is a crime against the young men of our country, who, in their patriotic desire to serve their country, take the oath of allegiance to the Government and the flag, and then are used by the Government to collect the money of investors in that country, to maintain a banking system that no self-respecting country on earth would permit to continue if it had the power to prevent it, and to be used for the purpose of working the will, not of this Government, but of private individuals who have investments in Nicaragua.

I have no apologies to make for the fight I have made against the amendment. If it were not in the very closing hours of the session, when I recognize a great appropriation bill is pending here, I would continue the fight for some time to come.

The PRESIDING OFFICER. The Senator's time has expired under the unanimous-consent agreement. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. DILL] to the committee amendment found on page 108, line 5.

Mr. NORRIS and Mr. DILL asked for the yeas and nays.

Mr. NORRIS. Mr. President, a parliamentary inquiry. Is this the amendment to the committee amendment?

Mr. McKELLAR. Let the amendment to the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment for the benefit of the Senate.

The LEGISLATIVE CLERK. The amendment of the Senator from Washington to the committee amendment is, on page 108, line 5, to strike out "$150,000" and insert "$75,000."

Mr. NORRIS. I have no desire to call for the yeas and nays on that amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. DILL] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the committee.

Mr. NORRIS and Mr. DILL called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). My colleague [Mr. SHIPSTEAD] is ill and confined to his home. I should like to have this announcement stand for the day.

The roll call was concluded.

Mr. GEORGE. I have a pair with the Senator from Colorado [Mr. PHIPPS], but I am advised that if present he would vote as I expect to vote. I therefore feel at liberty to vote. I vote "yea."

Mr. JONES. I wish to announce that the Senator from Massachusetts [Mr. GILLETT] has a general pair with the Senator from Mississippi [Mr. HARRISON].

Mr. WATSON (after having voted in the affirmative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Mexico [Mr. LARRAZOLO] and allow my vote to stand.

Mr. GERRY. I desire to announce that the senior Senator from Mississippi [Mr. HARRISON], the junior Senator from Mississippi [Mr. STEPHENS], the junior Senator from Louisiana [Mr. BROUSSARD], the senior Senator from North Carolina [Mr. SIMMONS], the junior Senator from Iowa [Mr. STECK], and the senior Senator from Nevada [Mr. PITTMAN] are necessarily detained from the Senate on official business.

The result was announced—yeas 54, nays 19, as follows:

YEAS—54

| | | | |
|---|---|---|---|
| Ashurst | George | McKellar | Smoot |
| Bayard | Gerry | McNary | Steiwer |
| Bingham | Glass | Mayfield | Swanson |
| Black | Glenn | Metcalf | Thomas, Idaho |
| Bratton | Goff | Moses | Trammell |
| Burton | Gould | Oddie | Tydings |
| Capper | Hale | Ransdell | Tyson |
| Caraway | Harris | Reed, Pa. | Vandenberg |
| Copeland | Hastings | Robinson, Ark. | Wagner |
| Curtis | Hawes | Robinson, Ind. | Walsh, Mont. |
| Deneen | Heflin | Sackett | Warren |
| Edge | Jones | Schall | Watson |
| Fess | Kendrick | Sheppard | |
| Fletcher | Keyes | Shortridge | |

NAYS—19

| | | | |
|---|---|---|---|
| Barkley | Couzens | Neely | Thomas, Okla. |
| Blaine | Dill | Norbeck | Walsh, Mass. |
| Blease | Frazier | Norris | Waterman |
| Borah | King | Nye | Wheeler |
| Brookhart | McMaster | Pine | |

NOT VOTING—22

| | | | |
|---|---|---|---|
| Broussard | Harrison | McLean | Simmons |
| Bruce | Hayden | Overman | Smith |
| Dale | Howell | Phipps | Steck |
| Edwards | Johnson | Pittman | Stephens |
| Gillett | La Follette | Reed, Mo. | |
| Greene | Larrazolo | Shipstead | |

So the amendment of the committee was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Judgments, United States Courts," on page 114, line 3, after the word "in," to insert "Senate Document No. 234 and"; in line 5, after the name "Treasury Department," to strike out "$1,328.20" and insert "$2,360.80"; and in line 6, after the words "in all," to strike out "$6,679.80" and insert "$7,712.40," so as to read:

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," approved March 3, 1925 (U. S. C. 1529, secs. 781–789), certified to the Seventieth Congress in Senate Document No. 234 and House Document No. 577, under the following departments, namely: Treasury Department, $2,360.80; War Department, $5,351.60; in all, $7,712.40, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

The amendment was agreed to.

The next amendment was, on page 114, line 22, after the word "in," to insert "Senate Document 233 and"; in line 24, after the name "Navy Department," to strike out "$9,789.88" and insert "$710,021.26"; and on page 115, line 1, after the name "War Department," to strike out "$34,064.43; in all, $47,659.82" and insert "$42,931.83; in all, $756,758.60," so as to read:

For payment of judgments, including costs of suits, rendered against the Government by the United States district courts under the provisions of certain special acts and certified to the Seventieth Congress in Senate Document No. 233 and House Document No. 586, under the following departments, namely: Navy Department, $710,021.26; Treasury Department, $3,805.51; War Department, $42,931.83; in all, $756,758.60.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, Court of Claims," on page 115, line 12, after the word "in," to insert "Senate Document No. 231 and"; in line 15, after the name "United States Veterans' Bureau," to strike out "$1,785" and insert "$15,219.90; Department of Agriculture, $11,520.55"; in line 17, after the name "Navy Department," to strike out "$3,090,540.53" and insert "$3,141,690.53"; in the same line, after the name "War Department," to strike out "$417,566.05; in all, $3,509,891.58" and insert "$529,180.77; in all, $3,697,611.75," so as to read:

For payment of the judgments rendered by the Court of Claims and reported to the Seventieth Congress in Senate Document No. 231 and House Document No. 581, under the following departments and establishments, namely: United States Veterans' Bureau, $15,219.90; Department of Agriculture, $11,520.55; Navy Department, $3,141,690.53; War Department, $529,180.77; in all, $3,697,611.75, together with such additional sums as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in said judgments.

The amendment was agreed to.

The next amendment was, on page 122, after line 7, to insert:

AUDITED CLAIMS

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C. 1022, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1926 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C. 43, sec. 266), as fully set forth in Senate Document No. 235, Seventieth Congress, there is appropriated as follows:

INDEPENDENT OFFICES

For general expenses, Office of Public Buildings and Public Parks of the National Capital, $325.08.

For medical and hospital services, Veterans' Bureau, $6.63.

For vocational rehabilitation, Veterans' Bureau, $62.15.

DEPARTMENT OF AGRICULTURE

For general expenses, Bureau of Agricultural Economics, $28.01.

DEPARTMENT OF COMMERCE

For increase of compensation, Department of Commerce, $42.

For district and cooperative office service, Department of Commerce, 14 cents.

For testing structural materials, Bureau of Standards, $15.

For general expenses, Lighthouse Service, $18.61.

DEPARTMENT OF THE INTERIOR

For suppressing liquor traffic among Indians, $85.

For administration of affairs of Five Civilized Tribes, Oklahoma, $169.10.

For purchase of seed, agricultural implements, etc., for Indians of Blackfeet Reservation, Mont., $50.

For payment to Clallam Indians, Washington, $2,166.99.

For relieving distress and prevention, etc., of diseases among Indians, $10.

DEPARTMENT OF JUSTICE

For salaries, fees, and expenses of marshals, United States courts, $2,438.15.

For pay of special assistant attorneys, United States courts, $15,000.

NAVY DEPARTMENT

For transportation, Bureau of Navigation, $128.40.

For pay of the Navy, $224.64.

TREASURY DEPARTMENT

For collecting the revenue from customs, $75.

For payment of judgments against collectors of customs, $22,977.18.

For refunding internal revenue collections, $25.

For enforcement of narcotic and national prohibition acts, internal revenue, $98.41.

For Coast Guard, $164.

WAR DEPARTMENT

For contingencies, Military Intelligence Division, General Staff Corps, $12.89.

For pay, etc., of the Army (longevity act, January 29, 1927), $6,434.32.

For pay, etc., of the Army, $6,240.70.

For pay of the Army, $398.12.

For pay, etc., of the Army (estates of deceased soldiers), $25,246.21.

For pay, etc., of the Army, war with Spain, $2.40.

For increase of compensation, Military Establishment, $15,631.59.

For Army transportation, $1,045.67.

For clothing and equipage, $113.75.

For general appropriations, Quartermaster Corps, $335.42.

For incidental expenses of the Army, $29.56.

For subsistence of the Army, $6.80.

For supplies, services, and transportation, Quartermaster Corps, $37.08.

For Signal Service of the Army, $4,960.

For Air Service, Army, $3,463.59.

For field artillery, armament, 49 cents.

For armement of fortifications, $6,381.25.

For arming, equipping, and training the National Guard (act May 22, 1928), $56.25.

For arming, equipping, and training the National Guard, $268.61.

For Reserve Officers' Training Corps, $90.60.

For arms, uniforms, equipment, etc., for field service, National Guard, $508.49.

For National Home for Disabled Volunteer Soldiers, Northwestern Branch, $9.33.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(OUT OF THE POSTAL REVENUES)

For indemnities, domestic mail, $263.47.

For indemnities, international mail, $127.76.

For railroad transportation, $122.87.

Total, audited claims, section 3, Title I, $115,896.71, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 126, line 16, to change the section number from 3 to 4.

The amendment was agreed to.

The next amendment was, on page 126, after line 20, to insert:

SEC. 5. For payment to John F. and Mary L. White, as certified to Congress by the Secretary of the Interior on December 29, 1928, under the act of March 3, 1928 (Private Act No. 38, 70th Cong.), $5,000.

The amendment was agreed to.

The next amendment was, on page 173, after line 13, to strike out:

SEC. 2. The Personnel Classification Board, within 30 days after the enactment of this act, shall review the allocations of all positions which, on June 30, 1928, were allocated in grades 4, 5, 6, and 7 of the professional and scientific service, and grades 11, 12, 13, and 14 of the clerical, administrative, and fiscal service, and of the compensation schedules set forth in the classification act of 1923 (covering salary rates from $3,800 to $7,500) (U. S. C. 65–71, secs. 661–673), and which have not been allocated, with the approval of such board, to the grades of such compensation schedules as amended by the act of May 28, 1928 (covering salary rates from $3,800 to $9,000) (45 Stat. 776–785). Such allocations shall be made by the board in such a manner as to reduce the total annual rate of compensation of the whole number of positions in all of such grades by not less than $500,000. The board, immediately upon completion of the review of the allocations herein directed to be made, shall certify their allocations to the heads of the executive departments and independent establishments who, within 10 days after the receipt of such certification, shall put such allocations into effect: *Provided*, That nothing contained herein shall operate to reduce the rate of compensation any person was receiving on June 30, 1928: *Provided further*, That the heads of the executive departments and independent establishments, who, pursuant to authority to adjust the pay of certain civilian positions in the field services to correspond as nearly as may be practicable to the rates established for similar positions under the classification act of 1923, as amended by the act of May 28, 1928, have made such adjustments in the field services, shall, within 60 days after the enactment of this act, readjust the compensation of such of the field positions as may be necessary to make the compensation thereof in conformity with the allocations herein directed for the departmental service in the District of Columbia: *Provided further*, That any balances under appropriations or portions of appropriations, including continuing appropriations, available during the period of the remainder of the fiscal year 1929 and the entire fiscal year 1930, respectively, which result from the compensation of positions under the provisions of this section at rates lower than those permitted for such positions from July 1, 1928, to the date of the enactment of this act, shall not be expended for any other purpose but shall be reserved and allowed to lapse at the close of the respective fiscal years: *Provided further*, That the Personnel Classification Board shall have sole jurisdiction finally to determine the grade, or subdivision thereof, to which shall be allocated any position which is subject to the compensation schedules of the classification act of 1923, as amended, and shall have authority to ascertain the facts as to the duties and responsibilities of any such position and to review and change the allocation thereof whenever, in its opinion, the facts warrant.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER (Mr. FESS in the chair). That completes the committee amendments.

Mr. SMOOT. Has the committee amendment on page 173 been agreed to?

The PRESIDING OFFICER. The amendment on page 173 to strike out section 2 has been agreed to.

Mr. WARREN. Mr. President, there are certain amendments which the committee wishes to present. I send such an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 33, line 17, after the name "Bureau of Standards," to strike out "1929"; and in line 20, after the word "the," to insert "fiscal year 1929."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. WARREN. I also am instructed by the committee to offer the amendment which I now send to the clerk's desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 33, after line 7, it is proposed to insert the following:

BUREAU OF THE CENSUS

Fifteenth Decennial Census: Of the amount appropriated under this head in the act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, approved January 25, 1929, the amount therein made immediately available is hereby increased to $250,000: *Provided*, That during the period of the Fifteenth Decennial Census enumeration, employees of other departments of the Government may be employed, with the consent of the heads of the respective departments, and compensated for field work in connection with the taking of this census, and, when so employed, shall not be subject to the provisions of section 1765 of the Revised Statutes, or to the acts of May 10, 1916, and August 29, 1916: *Provided further*, That the Director of the Census may fix the number and compensation of supervisors, enumerators, and special agents, without regard to the provisions of existing legislation.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry. Does a point of order lie against this amendment, in view of the fact that there has been no census legislation this year?

The PRESIDING OFFICER. Does the Senator make the point of order?

Mr. VANDENBERG. I make the point of order; yes, sir.

Mr. WARREN. Mr. President, I offered the amendment, realizing that it might be objected to; but I hoped to secure unanimous consent to it because I believed it was necessary, and I wanted to bring it before the Senate. I hope the Senator, therefore, will not consider it necessary to object to it.

Mr. VANDENBERG. Mr. President, the census situation now is in very unsatisfactory shape, of course, because the census is to be taken under the old law unless the new law passes either now or very early in the special session.

Mr. WARREN. This amendment, the Senator will see, provides for making this money available at an earlier time.

Mr. VANDENBERG. I understand the position taken by the chairman of the committee. On the other hand, I have taken my stand on a principle, and the principle involves the proposition that the Senate is going to do nothing with census legislation until it can be assured of a constitutional census. I shall have to make the point of order, stating, in addition, that negotiations are now being undertaken to straighten out the entire matter.

The PRESIDING OFFICER. In view of the last provision in the form of a proviso—

That the Director of the Census may fix the number and compensation of supervisors, enumerators, and special agents, without regard to the provisions of existing legislation—

the chair will hold that this is legislation on an appropriation bill, and sustains the point of order.

Mr. WARREN. Mr. President, I send to the desk an amendment, which I am instructed to offer.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 11, line 15, after the word "expended," it is proposed to insert the following:

*Provided*, That any funds herein or hereafter appropriated to enable the commission to carry out the provisions of Public Resolution No. 74, Seventieth Congress, approved December 21, 1928, may be expended for the purposes hereinbefore stated on approval by the commission, or by a duly authorized executive officer designated by the commission and acting under instructions of the commission; and payments on account of expenditures thus approved by the commission, or by its duly authorized agent acting under instructions of the commission, may be made by such disbursing officer as the commission may designate, and the commission, or its duly authorized agent acting under its instructions, may authorize said disbursing officer to make to the insular treasury such advances of funds as may be appropriate for effecting payments for the purposes and in the manner hereinbefore authorized.

The amendment was agreed to.

Mr. WARREN. Mr. President, I call the attention of the Senator from Oklahoma [Mr. THOMAS] to an amendment, which the committee unanimously instructed me to offer on the floor; and I move its adoption.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 44, after line 20, it is proposed to insert:

Expenses of attorneys, Wichita and affiliated bands of Indians of Oklahoma (tribal funds): The Secretary of the Interior is authorized and directed to use not to exceed the sum of $2,000 from the tribal funds of the Wichita and affiliated bands of Indians of Oklahoma in the Treasury of the United States, upon proper vouchers to be approved by him, for costs and expenses already incurred and those to be incurred by their duly authorized attorneys in the prosecution of the claims of said Indians now pending in the Court of Claims, Docket No. E-542, including expenses of not exceeding two delegates from said bands of Indians, to be designated by the business committee representing all said bands, who may be called to Washington from time to time with the permission of the Commissioner of Indian Affairs on business connected with said claims, said $2,000 to remain available until expended.

The amendment was agreed to.

Mr. WARREN. Mr. President, there is an amendment with relation to the Yellowstone Park which provides for the sale of the surplus elk that are not needed, that are neither useful nor ornamental there.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 52, after line 6, it is proposed to insert the following as a separate paragraph:

The Secretary of the Interior is authorized in his discretion, and under regulations to be prescribed by him, to sell or otherwise dispose of the surplus elk from the Yellowstone National Park herd, and all moneys received from the sale of any such surplus elk shall be deposited in the Treasury of the United States as miscellaneous receipts.

The amendment was agreed to.

Mr. WARREN. Mr. President, I send to the desk another matter which is a slight correction of the language of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 86, in line 23, it is proposed to strike out the words "for either project."

The amendment was agreed to.

Mr. WARREN. That is all I have for the present.

Mr. THOMAS of Oklahoma obtained the floor.

The PRESIDING OFFICER. May the Chair ask whether the amendment the Senator is about to propose is one of those as to which there is a time limit?

Mr. THOMAS of Oklahoma. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 45, after line 7, it is proposed to insert a new paragraph, as follows:

Kiowa Indian Hospital, Oklahoma: For the construction at the Kiowa Indian Hospital, located at the Fort Sill School Reservation, in Comanche County, Okla., of hospital quarters to accommodate 100 patients, gravel roads, floor coverings for old hospital, and additional equipment, all as authorized by the act approved November 2, 1921 (Public 85, 67th Cong.), $91,000.

The PRESIDING OFFICER. May the Chair ask what limitation of time applies to this amendment?

Mr. THOMAS of Oklahoma. I have three amendments, and I understand that under the unanimous-consent agreement I have 30 minutes; but I shall occupy only a very small part of that time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. CURTIS. Mr. President, may I ask the chairman of the committee if he can not accept this amendment? It is estimated for.

Mr. WARREN. I shall be glad to have a little explanation of the amendment. If what I have heard regarding it is true, it is a matter that I think might be considered wisely.

Mr. EDGE. Let us have the amendment stated.

The PRESIDING OFFICER. The amendment will be restated.

The Chief Clerk restated the amendment.

Mr. WARREN. Mr. President, do I understand that this hospital is erected with Indian funds?

Mr. THOMAS of Oklahoma. If I may make a short statement, I think I will have answered most of the questions that might be propounded.

This money is sought for the purpose of extending and enlarging an existing Indian hospital. This amendment has somewhat of a history. The Indian Bureau recommended the item in the early part of this session. The Budget Bureau recommended the item. It was inserted in the Interior Department bill by the House. At that time the funds were to be taken from the Indians' trust fund. The bill then came to the Senate. Because the hospital is a general hospital and serves some 13 tribes of Indians in southwestern Oklahoma——

Mr. WARREN. Mr. President, may I ask the Senator a question right there?

Mr. THOMAS of Oklahoma. I yield.

Mr. WARREN. Is the hospital at present used for the various bands?

Mr. THOMAS of Oklahoma. Yes. The hospital was built by and for the Kiowa, Comanche, and Apache Indians, but is now used as a general hospital for all Indians.

When this bill came to the Senate, the Indians owning the hospital objected to having their tribal funds taken to build a general hospital. The hospital is now large enough to accommodate the particular Indians who built it, but at this time this hospital is open to all Indians, and some 50 per cent of the patients are Indians of tribes other than Kiowas, Comanches, and Apaches. Early in this session this item was placed in the Interior Department bill, but the money was to come from the Indians' trust funds. The bill came to the Senate in that form.

I went before the Senate committee and asked that the funds be taken from the Federal Treasury, and the committee kindly acceded to my request, and the Interior Department bill was sent back to the House with the item amended as indicated.

The House refused to agree to the Senate amendment, and in conference the Senate committee yielded to the House conferees, and the item was eliminated from the bill entirely.

I was not willing that the Indians' trust fund should be used for this purpose, and the Senate conferees did not insist that this money should be taken from the Federal Treasury, and the item died. Recently the Congressman representing this district, Congressman JOHNSON, introduced a bill providing for the enlargement of this hospital. The Indian Bureau again recommended the proposal. The Budget Bureau now recommends the item as a proper charge against the Federal Treasury. I submit for the RECORD the report made on the House bill and ask that such report be printed as a part of my remarks.

The PRESIDING OFFICER. Without objection, that order will be made.

The matter referred to is as follows:

Mr. CARTWRIGHT, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 16822):

The Committee on Indian Affairs, to whom was referred the bill (H. R. 16822) to authorize the expenditure of $91,000 to enlarge and buy equipment for the Kiowa Indian Hospital, located at the Fort Sill School Reservation in Comanche County, Okla., having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill, if enacted, would authorize an appropriation of $91,000 to enlarge and equip the Kiowa Indian Hospital on the Fort Sill School Reservation in Oklahoma. The hospital serves the Indian population of Kiowa Agency, about 5,290 persons. It has a rated capacity of 52 beds, 10 of which are on porches and are used principally for tuberculosis patients. The number of patients is so great as to make present facilities inadequate, and is steadily growing.

The conditions and plan for construction are discussed in the following favorable report of the Secretary of the Interior, to which is attached notation of Budget approval:

DEPARTMENT OF THE INTERIOR,
*Washington, February 21, 1929.*

Hon. SCOTT LEAVITT,
*Chairman Committee on Indian Affairs,*
*House of Representatives.*

MY DEAR MR. LEAVITT: Further reference is made to your request of February 4 for a report on H. R. 16822, being a bill to authorize the expenditure of $91,000 to enlarge and buy equipment for the Kiowa Indian Hospital, located at the Fort Sill School Reservation in Comanche County, Okla.

The Kiowa Hospital serves the Indian population of Kiowa Agency, numbering 5,290, and has a rated capacity of 52 beds, of which 10 beds are on porches and used principally for the treatment of tuberculosis patients. The daily average number of patients in this hospital during the fiscal years 1926, 1927, and 1928 was 33.2, 34.4, and 43.5, respectively. During 1927 there were 41 births, and during 1928 there were 53 births in the hospital.

The construction of a building for the housing of approximately 15 employees will provide living quarters for those now quartered in the hospital proper in space needed for operation of the institution and the convenience and welfare of the patients, the release of which space will provide for approximately 10 additional patients' beds. The quartering of this personnel outside of the hospital proper is of important consideration, both from the standpoint of patient welfare and comfort of the personnel so employed. The estimated cost of construction, which should be of brick for permanency and to conform to the type of construction now in use, together with the necessary furnishings and equipment, will be approximately $20,000.

As noted above, Kiowa Hospital is being patronized to an increasing degree from year to year. At times the facilities of the present structure are taxed and the number of patients exceeds the ordinary bed capacity. A larger number of tuberculosis cases should and could be given care and treatment in this hospital if additional facilities were provided. During 1927, of 1,000 examinations made, 104 cases of pulmonary and 18 other forms of tuberculosis were reported, a total of 122. During 1928, 400 examinations were made with 85 cases reported positive for tuberculosis. The deaths from tuberculosis for the last several years are as follows: In 1923, 27 deaths; in 1925, 8 deaths; in 1926, 18 deaths; in 1927, 16 deaths; and during 1928, 10 deaths.

The present hospital building is of brick construction and will lend itself readily to additional construction approximately doubling its capacity. It is now of a T shape and construction to make it of an H shape would approximately double the bed capacity and still utilize the same kitchen and other service space, making the capacity 100 or more beds.

The sum of $71,000 would provide for additional construction to make the total capacity at least 100 beds and also provide needed equipment in the existing hospital, roads, sidewalks, etc., together with funds needed for operating expense on account of the increased patronage of the existing facilities, which with $20,000 for employees' quarters makes a total of $91,000.

Under date of February 15, 1929, the Director of the Bureau of the Budget advises that the proposed legislation is not in conflict with the financial program of the President.

Very truly yours, ROY O. WEST.

Mr. THOMAS of Oklahoma. Mr. President, the record just made is, I think, ample evidence that this provision is authorized. It has already passed the other House once, and has likewise passed this body; but for fear that that point might be raised in conference, I now submit for the RECORD a copy of what is known as the Snyder bill. This bill provides, in two places, ample authority for the construction of this hospital. One line is as follows:

For relief of distress and conservation of health.

The second provision is—

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

I submit a copy of this law and ask that same be printed at this point.

The PRESIDING OFFICER. Without objection, it will be printed in the RECORD.

The matter referred to is as follows:

[Public—No. 85—67th Cong.]

An act (H. R. 7848) authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes

*Be it enacted, etc.*, That the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs.

Approved, November 2, 1921.

Mr. THOMAS of Oklahoma. Mr. President, on a former occasion it was alleged here that these Indians are very wealthy, that they have large tribal funds, vast areas of oil lands, and that their income is something like $2,000,000 per year. At this point I submit for the RECORD, without having it read, a statement showing the condition of their fund. Their total fund now amounts to approximately $1,000,000.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The matter referred to is as follows:

*Statement of the tribal funds in the Treasury of the Apache, Kiowa, and Comanche Indians*

| Title of funds | Balances Jan. 7, 1929 | Income, fiscal year 1928 |
|---|---|---|
| Apache, Kiowa, and Comanche fund | $91.22 | |
| Interest on Apache, Kiowa, and Comanche fund | 5,542.44 | $4.56 |
| Apache, Kiowa, and Comanche 4 per cent fund | 67,436.24 | 241.82 |
| Interest on Apache, Kiowa, and Comanche 4 per cent fund | 20,241.71 | 9,927.15 |
| Kiowa Agency Hospital 4 per cent fund | 9,360.90 | 1,239.12 |
| Interest on Kiowa Agency Hospital 4 per cent fund | 697.27 | 326.76 |
| Proceeds of oil and gas, south half of Red River, Kiowa, Comanche, and Apache Indians, Oklahoma | 964,082.80 | 127,980.57 |
| Indian moneys, proceeds of labor, Kiowa Indians | 2,991.52 | 468.93 |
| Total | 1,070,444.10 | 140,188.91 |

Mr. THOMAS of Oklahoma. Now, Mr. President, as to the need for this hospital:

A few days ago I sent a telegram to the chamber of commerce of the city nearest this hospital, asking for information relative to the institution. I now send to the desk and ask to have read a copy of my telegram and a copy of the reply received in answer thereto.

The PRESIDING OFFICER. Without objection, the Secretary will read the telegrams.

The Chief Clerk read as follows:

FEBRUARY 8, 1929.

I. E. TURBEN,
*President Chamber of Commerce,*
*Lawton, Okla.:*

Please advise me by wire relative hospital as follows: Number regular beds. Number patients now. Number whites, if any. Number Kiowas, Comanches, and Apaches. Number of other tribes itemized.

ELMER THOMAS.

Reply to above inquiry:

Number regular beds, 42. Number patients to-day, 51. Number whites, none. Number Kiowas, Comanches, and Apaches, 36. Number other tribes, 15, as follows: 11 Caddos and Wichitas; 2 Choctaws; 2 Chinooks, Riverside employees. Daily average first six months fiscal year, 46 plus. Daily average for January, 61 plus. Nine employees

quartered in hospital, two in basement. Overflow has been taken care of with cots and two patients in a bed. Need urgent. We will appreciate your earnest efforts.

I. E. TURBEN,
*President Lawton Chamber of Commerce.*

Mr. THOMAS of Oklahoma. Mr. President, the record thus shows that we have there a hospital with 42 beds, and that during a recent month sixty-odd patients were cared for in such institution, and that in some instances two sick Indians were confined to a single bed. Why, Mr. President, even the horses of the Government, when they become ill, are allowed a single stall.

On yesterday, knowing that this item would come up soon, I wired to Oklahoma in order to ascertain the condition of Enoch Hoag, chief of the Caddo Tribe of Indians. Chief Hoag is a fine type of Indian. He has a band of 600 members. For 50 years he has been the head of the Caddo tribe. His band has followed him all these years as children follow a father. He is ill now, seriously ill. I saw him during the recent campaign, at the home of his son, the family residing in a small box house. He was paralyzed; confined to his bed, could not talk, entirely helpless, and because the little hospital on the reservation was filled to overflowing, this Indian chieftain, a credit to his race, was compelled to exist in the rough, crude house of his son with only such attention as a dutiful Indian son could provide for his aged and dying father. I received a very prompt reply to my message. I send to the desk a copy of my message of inquiry and likewise the reply, and ask that both be read.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

FEBRUARY 27, 1929.

J. A. BUNTIN,
*Superintendent Kiowa Agency, Anadarko, Okla.:*

If Enoch Hoag is dead give date and place of death. If alive give present address and statement relative to medical attention and nurse assistance. Answer by wire.

ELMER THOMAS.

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ANADARKO, OKLA., *February 27, 1929.*

ELMER THOMAS,
*United States Senate:*

Enoch Hoag living with daughter near Binger. He is paralyzed and helpless. Needs constant care. McCOWN.

Mr. THOMAS of Oklahoma. Mr. President, I will not take further time of the Senate at this time. I am very much interested in the remnants of the once proud tribes of Indians who owned and ruled this entire country of ours. These Indians have no one to speak for them save their very few friends throughout the country, and to-day they present the appearance of a neglected and vanishing race.

The Indians have a difficult time to get along. They have a long road to go to get relief. They must first go to their Indian agent and get his recommendation. They must then come to Washington and get by the Indian Bureau. They must then go to the Budget Bureau and get by there. They must then come to Congress and appear before the various committees and secure favorable action by the Houses themselves before they can get a single dollar of their own money for almost any purpose whatever. One bureau or department may favor relief for them, but some place along the line they meet obstruction, and their relief fails.

I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I submit another amendment.

The PRESIDING OFFICER. As a matter of information for the Senate, the Chair would like to say that on last evening before we adjourned a unanimous-consent agreement was entered into allowing a certain amount of time for certain Senators, the Senator from Oklahoma [Mr. THOMAS], the Senator from Kentucky [Mr. BARKLEY], the Senator from Pennsylvania [Mr. REED], the Senator from Virginia [Mr. SWANSON], and the Senator from Florida [Mr. TRAMMELL]. The Chair will recognize those Senators in the order given.

The clerk will state the amendment offered by the Senator from Oklahoma.

The CHIEF CLERK. On page 45, after line 7, insert a new paragraph, as follows:

That there is hereby appropriated from the tribal trust fund, established by the joint resolution of Congress approved June 12, 1926 (44 Stat. L. 740), being a part of the Indians' share of moneys derived from the south half of the Red River in Oklahoma, the sum of $200,000 for payment to the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma: *Provided,* That said sum shall be distributed share and share alike to all recognized members of the Kiowa, Comanche, and Apache Tribes who are living on the date of passage of this act, under such regulation as the Secretary of the Interior may prescribe, and that said sum herein appropriated shall be immediately available for distribution as provided herein.

Mr. WARREN. Mr. President, may I ask the Senator whether this amount is necessary for these Indians at this time?

Mr. THOMAS of Oklahoma. The Indian agent on the reservation says it is. The Indian Bureau says it is. I join in their opinion and indorse the item. The Senate Committee on Indian Affairs has considered this matter and reported the item favorably, and it is now upon our calendar awaiting its turn for consideration.

Mr. WARREN. Mr. President, the Senator knows very well, of course, that this is subject to a point of order, and I think that unless it is necessary for these Indians it should remain out of the bill, because, as I understand it, they have a large amount of funds, and are receiving, of course, their regular interest, I take it.

Mr. THOMAS of Oklahoma. I have just submitted a statement showing that their fund is less than a million dollars, and their annual income is less than $100,000, of which $60,000 is taken each year to maintain their agency. These Indians are required to pay their own money to maintain an agency at Anadarko, and, of course, they object to that.

Mr. WARREN. So far as I am concerned, as a member of the committee, if the Senator on his honor and conscience thinks these Indians need this, I am not going to object to its going to the House for consideration.

Mr. THOMAS of Oklahoma. That is all I ask.

Mr. WARREN. As I said before, I expect the cooperation of the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS].

The amendment was agreed to.

Mr. THOMAS of Oklahoma. I offer one other amendment, and then I shall be through. I ask that the letter accompanying it be also read.

The PRESIDING OFFICER. The clerk will read the amendment and the letter.

The CHIEF CLERK. On page 47, after the amendments heretofore agreed to, insert:

The Secretary of the Interior is hereby authorized, under such rules, regulations, and conditions as he may prescribe, to establish an employment agency for the Indian Service, to be under the direction of the Commissioner of Indian Affairs, for the purpose of procuring employment for Indians; and there is hereby appropriated for this purpose the sum of $50,000, or so much thereof as may be necessary.

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THE SECRETARY OF THE INTERIOR,
*Washington, February 27, 1929.*

Hon. SCOTT LEAVITT,
*Chairman Committee on Indian Affairs,*
*House of Representatives.*

MY DEAR MR. LEAVITT: This will refer further to your letter of February 14, transmitting for report and recommendation a copy of H. R. 17078, authorizing an employment agency for the Indian Service.

This department believes that the decades of supervision which the Government has exercised over the Indians has developed them to the point where they are prepared for a steadily increasing participation in the industrial life of the Nation. Practically all the younger Indians have had a degree of schooling which gave them the proper mental conception of work and prepared them therefor. The rapid development of the West has created a demand for their services which presents a favorable opportunity for employment. The situation to-day is favorable to make immediate progress toward a solution of the problem by establishing the Indian as a wage earner, gaining a competence for himself. When an Indian reaches this stage he need no longer be a ward of the Government. He and his children take their places as normal members of the body politic. So far as he is concerned, the Indian problem has been solved.

On this point the report on Indian administration made last year by the Institute for Government Research says:

"The Indian Service must seek to find suitable employment off the reservation for Indians who have no real chance there or who desire to seek other employment. * * * The Indian Service must attempt to place the Indians who leave school and help them to become established in productive enterprises."

The Board of Indian Commissioners expresses a similar view in its last annual report.

"The Commissioner of Indian Affairs is urged to establish an organization within the Bureau of Indian Affairs for the purpose of securing gainful work for the Indians who are under Federal supervision for placing in the Government service or in offices, shops, stores, or in domestic service boys and girls who leave the Indian Service school."

The creation of an employment service for Indians would be a practical and constructive step toward that assimilation which has always been the Government's policy. The time for solution has come. This is the next logical step in Indian administration. Field reports indicate a notable awakening by the Indians to the need of individual effort and a willingness to respond to governmental plans for their welfare and progress to a greater extent than ever before. In order to not disappoint them, this necessarily means increased activity on our part if this newly aroused interest is to be adequately directed and brought to ultimate success.

It is, therefore, recommended that the bill be given favorable consideration.

The Director of the Bureau of the Budget advises that the proposed legislation is not in conflict with the President's financial program.

Very truly yours,

ROY O. WEST.

Mr. WARREN. I shall have to object to that. I make a point of order against it.

Mr. THOMAS of Oklahoma. Mr. President, let me say, before the matter is passed on, that this amendment has been suggested by a bureau which has made a general survey into Indian conditions. The Bureau of Indian Affairs recommends the item. The Bureau of the Budget has recommended it. If the chairman of the Committee on Appropriations desires to interpose a point of order, of course, I must submit.

The PRESIDING OFFICER. The Chair sustains the point of order.

Under the unanimous-consent agreement, the Chair now recognizes the Senator from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. President, last night when the unanimous-consent agreement was entered into by which I was allowed 20 minutes to speak on an amendment I then had in mind, I did not know that I would offer another slight amendment which might take 5 minutes, and I inquire now whether any time I take on this amendment will be taken out of the 20 minutes I was to have on the other?

The PRESIDING OFFICER. It would have to be, under the agreement.

Mr. BARKLEY. I offer the following amendment. I hope that the Senator from Wyoming will accept the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 71, after line 21, add the following:

American group of the Interparliamentary Union: In order to assist in meeting the expenses of the American group of the Interparliamentary Union during the fiscal year ending June 30, 1930, there is hereby appropriated the sum of $10,000, or so much thereof as may be necessary, such appropriation to be disbursed on vouchers to be approved by the president and the executive secretary of the American group; and any unexpended balance remaining of the appropriation made for this purpose by the act approved May 29, 1928, is hereby made available until expended.

Mr. WARREN. Mr. President, that is for a purpose similar to what we have provided for, I think, annually, in relation to our international obligations, and I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 77, after line 11, insert the following:

Studies in rural sanitation: For an additional amount for studies in rural sanitation, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, $130,500.

Mr. WARREN. Mr. President, will the Senator give us a little explanation of that, briefly?

Mr. BARKLEY. Certainly. This amendment has for its purpose the appropriation of an additional sum for rural sanitation in the seven States that were inundated by the floods of 1927 and 1928, over and above the amount carried in the regular appropriation.

Mr. WARREN. Is it intended to save life and protect the health of the inhabitants?

Mr. BARKLEY. Yes. I will say to the Senator from Wyoming that for the current fiscal year, ending on the 30th of next June, Congress appropriated almost $400,000 for this purpose, on the recommendation, largely, of the Secretary of Commerce, now the President elect, who made a personal inspection.

Mr. WARREN. That is, for the fiscal year 1930?

Mr. BARKLEY. This amendment of mine is for the fiscal year 1930, so as to bring the amount for next year practically up to the amount carried for the current year. We do not expect this appropriation to go on indefinitely, but there have been two floods, the flood of 1927, for which we made appropriations——

Mr. WARREN. Is any portion of that fund to be used as a deficiency in the next three or four months.

Mr. BARKLEY. No; the amount that was appropriated by the regular appropriation bill for the fiscal year 1929, and also the deficiency bill, which carried an item of $115,000 for this purpose, is presumably sufficient to carry on the work until July 1. This amendment is to bring the appropriation for the fiscal year 1930 up to an amount approximately equal to the appropriation for the current year.

This is urged and recommended by the Bureau of Public Health. I have letters here from the public health commissioners of Louisiana, Mississippi, Arkansas, Missouri, Tennessee, Kentucky, and Illinois, asking for this appropriation, and they say that in view of the floods in 1928, which resulted in the destruction of another crop, the various counties in these seven States, 96 in number, are unable to take up this work and carry it on for the next year, if the Federal Government withdraws this amount from the appropriation that has been expended and available for this year.

Mr. WHEELER. Mr. President, I would not have any objection if they would include Montana and Wyoming and Utah in the bill, so we could get some of it for the floods that have taken place out there in our section of the country.

Mr. BARKLEY. Of course the language of the appropriation does not limit it to any State. It can be used wherever it might be necessary. The item was increased in the appropriation bill of the last Congress because the floods had destroyed the roads and schoolhouses and by reason of the settlement of sediment unhealthy conditions in that section of the country had brought about almost an epidemic. If the appropriation is denied, in view of the great number of men who are to be in the near future sent into the Mississippi Valley in connection with flood control, it will result in a recurrence of disease and an epidemic of disease.

Mr. WARREN. The Senator knows, of course, that the amendment is not in order. However, I am not going to make the point of order. The Senator says, and I have every reason to believe him, that it is a matter of health.

Mr. SMOOT. Mr. President, I ask the Senator from Kentucky if it is necessary now to have the appropriation. He already has an appropriation sufficient to carry through to the end of the fiscal year. There is also an appropriation for the next fiscal year. What he is doing now is asking us to make an appropriation which is not going to be used for a full year hence, because of the fact that if the Senator spends as much as he has for the present year, which has already been appropriated, it would carry the matter to a year from now.

Mr. BARKLEY. Unless the appropriation is made, when July 1 arrives the personnel of the organization, which has been filled up by the various public health services in the State in cooperation with the Secretary of Commerce, who was also head of the Red Cross, will have to be disbanded and there will be a hiatus and it will be impossible for us to replace them later. There is no assurance that any appropriation of any kind will be passed during the extra session.

Mr. SMOOT. It is not a question of the extra session but at the regular session, when there would still be ample time.

Mr. BARKLEY. We would have from July 1 until the 1st of December or practically the 1st of January, six months, during which time the entire organization, which is now functioning in the Mississippi Valley, in these various States would be disbanded and disorganized, and it would cost more to get them back together than the appropriation amounts to.

Mr. SMOOT. Am I to understand the Senator to mean that the organization is going to be continued right along because of the fact that there was a flood in some of the Southern States?

Mr. BARKLEY. No; not at all. The health departments of the States which are asking for this appropriation do not expect that. They had hoped to be able to recommend a reduction of 50 per cent in the appropriation, but the recurrence of another flood in 1928 caused the various counties, which are putting up one-half of the necessary amount to bring about a

rehabilitation of health conditions, to lose a second crop, and as testified by various county judges and State boards of health they are absolutely unable to assume the burden of the work in view of the disorganized economic condition. If the appropriation is denied, then the work will have to be begun at the beginning again, and that, of course, is not desirable.

Mr. SMOOT. All I want to say so far as the West is concerned is that we have never felt, when we had a flood, that we should come to Congress and ask to have an organization protected by appropriations from the Federal Government, and then keep it in operation from year to year.

Mr. BARKLEY. The Mississippi Valley situation offers a peculiar proposition that does not exist anywhere else in the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Kentucky.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, in connection with my remarks and in connection with the amendment just agreed to, I ask unanimous consent to insert in the RECORD letters from various county judges and public-health officers, including the Bureau of Public Health, in behalf of the appropriation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

FEBRUARY 16, 1929.

Undersecretary OGDEN L. MILLS,
*Budget Officer, United States Treasury Department,*
*Washington, D. C.*

SIR: The Public Health Service is in receipt of recent detailed data from the State health officers in the territory affected by the Mississippi flood setting forth conditions in that area which it is believed merit consideration in behalf of an additional appropriation for flood sanitation during the fiscal year 1930. It is the plea of these State health officers that the funds to be made available for this work during the fiscal year 1930 be of the same amount as those for the current year. This would require an additional appropriation of $130,000.

Information is requested as to whether an estimate for this purpose might still be in time to receive consideration.

Respectfully,

H. S. CUMMING, *Surgeon General.*

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STATE BOARD OF HEALTH OF KENTUCKY,
*Louisville, Ky., January 28, 1929.*

Dr. W. L. DRAPER,
*Assistant Surgeon General,*
*United States Public Health Service, Washington, D. C.*

DEAR DOCTOR DRAPER: I am transmitting to you under separate cover budgets for the cooperative full-time county health departments (flood area) which we are proposing for the fiscal year July 1, 1929, to June 30, 1930. You will note there are two sets of these—one prepared on the basis of budgets operating since the beginning of this work and the other contemplating a cut of 50 per cent by the service and 25 per cent the last six months by the Rockefeller Foundation.

In urging that the service adopt the budget with financial aid, as per previous agreements, I am but fulfilling an obligation not only to the counties in Kentucky that are benefited, but also to the participating outside agencies, including the Public Health Service. This has been an investment in life saving that we can not afford to see cut off or even curtailed until it is possible to make local adjustments sufficient to insure a continuing program. None of the counties involved in the floods of 1927 and 1928 will be in position this year to carry the burden of withdrawals as are contemplated in the second budget.

These flooded counties offer many problems in local financing that merit serious consideration in planning a continuing health program. They had hardly recovered from the shock of the 1927 flood, and certainly were in no sense rehabilitated, when they were visited in June, 1928, with a second flood which approached nearly the same severity in most of the counties, and in some even much worse. Crops were again destroyed, industry in small towns and mining centers hard hit; in fact, from an economic standpoint they were largely back where they were in 1927. The health departments were called upon to assist in caring for the needy, to again launch an antityphoid-fever campaign, and to aid in the general clean-up made necessary from the widespread scattering of débris and filth of all kinds. I am sure you can understand from your vast experience in public-health work that the conditions met with in these succeeding disasters can not be overcome and the health program made self-supporting in the time limit of the present budgets, and that there are too many other factors entering into the counties' obligations to warrant the hope that they could assume any larger support within a year.

The Kentucky Legislature does not meet until January, 1930, at which time it will act upon budget bills for the two fiscal years beginning July 1, 1930. For this reason there is no possibility of increasing the State's contribution to these cooperative units.

In the budgets submitted, calling for a 50 per cent reduction by the Public Health Service, you will find notations at bottom for each county that indicate the problems influencing local financing. The statute limitation for tax levy in support of a full-time health department is one-half mill on each dollar of assessed valuation, and you will note that in more than 50 per cent of the budgets this maximum levy would produce less than the amount charged to the county in the reduced budget. This is a condition that we will have to look to legislation for relief.

In practically every county there has been such reduction in crop output for two years that the people have been strained to the limit to meet their needs; the response to the work of the health departments has grown out of the health officers' and nurses' sympathetic understanding of these conditions and these untiring workers have served the public in many capacities—supplies from the Red Cross and other helpful sources have been distributed under the guidance of the health staff; biologicals for protection against smallpox, typhoid fever, and diphtheria have been secured without cost to the fiscal court or the individuals. These are but illustrations that could be multiplied many times in reciting facts of service rendered to those who could have recourse to no other agency than the health department.

Many of the counties involved are in the coal belt of eastern Kentucky, and here this industry has been hard hit. In many instances the smaller operations have been closed for a year. Perry County, one of the largest producers of soft coal, had two bank failures in 1928, and the adjoining county of Letcher had one failure. In Perry County one bank that failed was the depository for county funds and will involve the credit of the county for years. The health officer lost $500 in this failure. The entire coal belt has suffered from depression, and naturally this reacts upon the fiscal affairs of each county.

Prior to the flood of 1927 practically every county had bonded itself for road building and in these two years suceeding have been forced to draw upon general funds for expenses incidental to road-building programs, such as condemnation suits for right of way, etc. To this already expensive road outlay was added the burden of bridges washed out, miles of road work destroyed, and culverts and drains ruined. Repair work in these instances has been a matter of first emergency and necessarily expensive. It will be years before these counties can recover sufficiently to balance out in their road-construction program.

I have tried to cover the situation affecting the need for further full support of health work in the flooded counties of Kentucky in much detail. We can not afford to see this work retarded now; too much has been accomplished to let it slip back. The future depends upon our assuring the financial support during the succeeding fiscal year 1929 and 1930.

The second (reducing) budget is submitted only to illustrate the practical impossibility of carrying on with the plan involving a larger participation by counties this year.

May I respectfully urge that the service secure the adoption of the budget for continued full support of this sorely needed health program.

Respectfully yours,

P. E. BLACKERBY,
*Director Bureau of Public Health Work.*

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STATE OF LOUISIANA,
DEPARTMENT OF HEALTH,
*New Orleans, January 22, 1929.*

Dr. W. F. DRAPER,
*Assistant Surgeon General,*
*United States Public Health Service, Washington, D. C.*

DEAR DOCTOR DRAPER: From observation and investigation of conditions in the flooded parishes I am thoroughly convinced that they are in a worse financial condition now than they were in the year of the flood. You will recall the flood came in the year 1927, in the spring, and taxes had already been assessed and gathered for the year, largely. Since that time there has been a marked decrease in the parish assets, due to larger assessments. It is clear that this gives each parish less funds than before for its operation.

It is impossible to give details concerning each parish, but we know they can not increase their allotment for unit work in 1929. The parish officials concur in this statement, and they are supported by the figures concerning values and income in the official offices of the various parishes. They need help even more than they did in 1927, and I sincerely trust that there will be no lessening in the assistance given them.

Very sincerely yours, OSCAR DOWLING, *President.*

Doctor Akins will write more in detail.—D.

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STATE OF TENNESSEE,
DEPARTMENT OF PUBLIC HEALTH,
*Nashville, Tenn., January 21, 1929.*

Dr. W. F. DRAPER,
*Assistant Surgeon General,*
*United States Public Health Service, Washington, D. C.*

DEAR SIR: I have been requested by Doctor McCormack to transmit to you all possible details supporting the service in a request for deficiency

appropriation in order to bring the item up to last year's Federal contribution in the flood counties.

In the three counties in Tennessee—Dyer, Lake, and Lauderdale, together with central administration—it is almost out of the question to increase local appropriations, in view of the fact that two of the counties are in such circumstances that it would be detrimental to the program to ask for an increase. In Lake, where we have our greatest problem, the county's ability to pay is far less than any other county even under normal conditions, but at present we do not believe it advisable to ask them to increase their appropriation; and unless the Public Health Service keeps up its commitment we are going to suffer. This will be a great drawback.

In Dyer County the appropriation has been slightly increased in order to add another worker. We are not able at present to persuade this county (and it would not be wise to undertake to persuade them) to further increase their appropriation. This has been mentioned to them, and they absolutely will not hear to it. We are making efforts to increase local appropriations in Lauderdale County, but this will not add much to the efficiency of the work except in one way, and that is increase the salaries of the individuals that are now in the unit in order to hold them in their county.

I sincerely trust that you will use all arguments possible to sustain my request that the appropriation be maintained and brought up to last year's commitment.

Please let me know if there is any further information I can give you, as we want to give you all the cooperation possible in supporting an argument to maintain these county health departments. Otherwise, most of the work we have done will be lost.

Very truly yours,

E. L. BISHOP, M. D.,
*Commissioner of Public Health.*

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ARKANSAS STATE BOARD OF HEALTH,
*Little Rock, January 17, 1929.*

Asst. Surg. Gen. W. F. DRAPER,
*United States Public Health Service, Washington, D. C.*

MY DEAR DOCTOR DRAPER: I am submitting to you, herewith, information relative to the counties of Arkansas that had been flooded in 1927 and were again flooded in 1928, showing the imperative need of health work and continued Federal appropriations to carry out same.

Before the counties could recover from the tremendous devastation and money loss caused by the flood of 1927, another flood occurred in July, 1928, and many of the counties were hard hit. Out of the original 20 flood counties of 1927, 15 were seriously affected by the flood of 1928 and an additional hardship imposed by these conditions. The crops, which had been planted, were lost and the season being so far advanced, the only crop which could have been planted and offered a satisfactory harvest was corn.

In view of this condition, a request for an appropriation for health work was made and it was felt, by local authorities, that with these hardships already existing in the counties increased appropriations could not be asked for. All of the 20 counties responded and 4 of the counties which were too poverty-stricken to appropriate during 1927 agreed to appropriate $1,500 each for the continuation of this work. Some of the counties that were financially able appropriated a little more than they were asked.

Inclosed report shows the comparative crop acres flooded in 1927 and 1928, and also the appropriations for 1927 and 1928 made by the counties themselves. It can be readily seen that where people are so desirous of the work and where such a great deal has been accomplished it would be disastrous to curtail this work, and in view of the expressions of these counties in favor of the work, every effort should be made by the Government to assist these people in carrying on. It must be considered that these counties have not recovered from the previous losses of the flood of 1927 and also their tax and revenue is far below normal. The total income per capita in Arkansas is the lowest of any State in the Union.

Considering all these facts further, it would seem that Federal aid on the previous basis is amply warranted.

Very truly yours,

C. W. GARRISON,
*State Health Officer.*

*Report of area flooded in full time county health units during 1927 and 1928 and amounts appropriated for health work by these counties during both periods*

| County | Crop acres flooded, 1927 | County appropriation, 1927 | Crop acres flooded, 1928 | County appropriation, 1928 |
|---|---|---|---|---|
| Arkansas | 94,600 | $2,500 | 600 | $2,500 |
| Ashley | 20,000 | 2,500 | ---------- | 2,500 |
| Chicot [1] | 100,000 | None. | ---------- | 1,500 |
| Conway | 37,900 | 1,500 | 3,000 | 1,500 |
| Crittenden | 40,600 | 3,000 | 1,400 | 3,000 |
| Cross | 46,400 | 2,400 | 2,000 | 2,400 |
| Desha [1] | 78,000 | None. | 2,500 | 1,500 |
| Drew [1] | 35,000 | None. | ---------- | 1,500 |
| Faulkner | 38,200 | 1,350 | 3,000 | 1,350 |

[1] Unable to appropriate any funds during year 1927.

*Report of area flooded in full time county health units during 1927 and 1928 and amounts appropriated for health work by these counties during both periods*—Continued

| County | Crop acres flooded, 1927 | County appropriation, 1927 | Crop acres flooded, 1928 | County appropriation, 1928 |
|---|---|---|---|---|
| Jackson | 52,200 | $2,500 | 30,000 | $2,500 |
| Little River | 28,800 | 2,500 | 200 | 2,500 |
| Mississippi | 94,600 | 3,250 | 7,000 | 3,250 |
| Monroe | 63,000 | 2,000 | 20,000 | 2,000 |
| Phillips | 94,400 | 3,050 | 25,000 | 3,050 |
| Pope | 20,000 | 2,500 | 3,500 | 2,500 |
| Saline | 10,000 | 3,000 | ---------- | 3,000 |
| Union | 20,000 | 5,000 | ---------- | 7,500 |
| White | 32,700 | 2,500 | 10,000 | 2,500 |
| Woodruff [1] | 47,500 | None. | 13,000 | 1,500 |
| Yell | 44,600 | 1,000 | 4,000 | 1,000 |

[1] Unable to appropriate any funds during year 1927.

THE STATE BOARD OF HEALTH OF MISSOURI,
*City of Jefferson, January 19, 1929.*

Assist. Surg. Gen. W. F. DRAPER,
*United States Public Health Service, Washington, D. C.*

DEAR DOCTOR DRAPER: I am in receipt of a telegram dated January 15 from Dr. A. T. McCormack, the State health officer of Kentucky, in which he states that information concerning the financial condition and need for Federal aid by the flood counties in this State would be of service to you at this time in substantiating your request for an additional appropriation to maintain full-time county health units under the flood-sanitation program.

Feeling that first-hand information from the counties in the flood area of southeast Missouri now having full-time health units under the flood-sanitation program would be of more benefit to you than anything we could say from this office, I am taking the liberty to transmit herewith copies of letters which were received from the presiding judges of the respective county courts during the fall of 1928, when the question of continuing the health units after 1929 had been brought to their attention.

Respectfully,

JAMES STEWART, M. D.,
*State Health Commissioner.*

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NEW MADRID, MO., *September 21, 1928.*

Dr. E. R. COFFEY,
*Director of Rural Sanitation,*
*State Board of Health, Jefferson City, Mo.*

DEAR DOCTOR COFFEY: Your letter of September 19 relative to the financial condition of this county and also the value of the county health unit was received, and I will try my best toward giving you the desired information.

During the year 1927 this country, as you probably know, was flooded, and not only the flood waters but continued rains made it impossible to produce a crop. Again this year, in 1928, during the month of June, which is the most important month in the year for making crops in this country, we had more rainfall than has ever been known in the history of this county; this also caused the river to flood all the lowlands and made a crop there impossible, and the excessive amount of rainfall caused very little to be raised on the highlands. All these conditions caused four bank failures in this county, two of which were county depositories, and as yet the county has not received a penny for their deposits. It is very certain that the county will receive a big loss in one of these institutions if not both. As a result of this our bonds are delinquent and the county is in a very embarrassed condition financially.

As to the county health unit will say that it has been in operation in this county for several years and we know that a great deal of good has been accomplished, and for this reason we have continued this work the best we could under our financial distress, but will say that it will be impossible for this county to take on any more obligations at this time, and we certainly hope that the State board of health will be able to devise some means whereby the good work that has been done in New Madrid County can still continue.

Trusting this information will be of service to you and that you will be able to carry on the good work of the health department, I beg to remain,

Yours very truly,

G. L. TINSLEY,
*Presiding Judge of County Court, New Madrid County.*

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KENNETT, MO., *September 24, 1928.*

Dr. JAMES STEWART,
*State Health Commissioner, Jefferson City, Mo.*

DEAR DOCTOR STEWART: You are no doubt familiar with the financial situation in Dunklin County. Because of the floods from the St. Francis River, a tributary of the Mississippi, delinquent taxes have gradually mounted, until some of the rural schools in our county have been forced to close for a lack of funds. When land has been sold for taxes, it has in more than one case failed to bring the amount due. It is the general

belief, however, that as soon as the present levee program is completed conditions will improve and the county will perhaps return to normal. About 60,000 acres of land is not being cultivated in Dunklin County this year.

I have mentioned the above facts to let you know the true state of affairs.

We recognize the wonderful work the health unit has done for Dunklin County since it was established, and it is our sincere desire to continue this activity. We are, however, in a quandary as to how Dunklin County will be able to pay her part. The Government has taken over almost all the expense of the farm department for the next 18 months, and that will assist us to continue that activity until the taxes for next year are in. We are wondering if you could not get some assistance from some source to assist us for the health unit during this trying period.

The court wishes to thank the State board of health and you personally for its assistance in the past.

Yours truly,

C. H. ROBARDS,
*Presiding Judge County Court of Dunklin County.*

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BENTON, MO., *September 21, 1928.*

Dr. E. R. COFFEY,
*State Board of Health, Jefferson City, Mo.*

DEAR DOCTOR COFFEY: If the Scott County health unit is maintained any longer it will be absolutely necessary for us to have Federal and State aid to do it. As you know, we are in one of the overflow counties, and our funds are not sufficient to warrant us in continuing without the aid.

I am highly in favor of continuing the unit, as I believe it has done much good to a class of people who could not be benefited without the unit.

Very truly yours,

J. W. HEEB,
*Presiding Judge County Court of Scott County.*

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CHARLESTON, MO., *September 24, 1928.*

Dr. JAS. R. LEE,
*Health Officer, Charleston, Mo.*

DEAR DOCTOR LEE: The records of the county reveal the fact that our outstanding debts are in excess of $74,300 and, by January 1, 1929, will reach at least $85,000.

While provisions have been made whereby our obligations will be decreased by more than 50 per cent in January, when the current year's taxes become available, we have no assurance that said provisions, heretofore made, will be carried out due to the fact that possibly 25 per cent or more of this year's taxes will become and remain delinquent after January 1 owing to various causes, among which are: The proposed spillway which will render practically useless for taxable purposes approximately 160,000 acres in this county and the shortage of crops occasioned by the excessive rainfall of last June.

The service rendered by our health unit, under your supervision, is beyond estimation. Prior to and since its organization, the health unit has had the writer's hearty approval and, as presiding judge of, and speaking for, the county court, it would be a source of great satisfaction to see the health unit continue to "carry on" in this county. However, I feel as though it will require an able "board of strategy" to devise ways and means to provide the necessary funds therefor.

The amount required for the running expenses of the county is more than $30,000, the expense of patients in State institutions calls for more than $10,000 in addition thereto. With this burden of expense, together with the possibility of our revenue being curtailed to the extent of 40 per cent or more.

The above facts are stated in writing for the purpose of conveying reasons why the county will be unable to assume additional responsibilities, notwithstanding the fact that it is our desire to take advantage of the cooperation and assistance offered by the United States Public Health Service and other agencies.

Yours truly,

S. P. LUEBE,
*Presiding Judge County Court of Mississippi County.*

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CARUTHERSVILLE, MO., *September 25, 1928.*

Dr. JAMES STEWART,
*State Health Commissioner, Jefferson City, Mo.*

DEAR DOCTOR STEWART: Pemiscot County is purely an agricultural community, and as such has been subject to the general depression that has been existing among the farmers for the past six or seven years. This depression was made much more acute through 1927 and 1928 because of the Mississippi floods, which reduced the area and total production of crops in 1927 to approximately 50 per cent of the normal yearly production. The outlook for 1928 is better but will still be considerably short of normal. The 1928 growing season has been wet and unfavorable, and it will take at least two normal years to restore the county to a sound financial footing. Pemiscot County is heavily burdened with bonded indebtedness for construction of levees and drainage ditches. There is much delinquent tax; in fact, the county court is finding it extremely difficult to maintain programs already started, and unless conditions improve some of them may have to be abandoned.

Throughout the 1927 flood period the county health unit, under the direction of Dr. W. S. Petty, rendered invaluable service. After the flood had receded it handled the immunization of the people in flooded areas and disease prevention so competently that there was no epidemic of any sort developed. While the malaria problem is a continuous one, there has been a very marked reduction upon the completion of drainage several years ago, but immediately following the flood we have experienced a very great increase for the past two years, and Doctor Petty is now devoting considerable time to malaria-control measures. The county court is more than well pleased with the work that the health unit is doing. It appreciates the help and the cooperation that the Missouri State Board of Health, the United States Public Health Service, and the International Health Board are giving to Pemiscot County. It hopes that in time to come it can take over more of the cost of maintaining the county health unit. It would be extremely loath to lose the service of the county unit, but at this time it would be absolutely impossible for the court to increase the local appropriation therefor.

T. R. COLE,
*Presiding Judge Pemiscot County Court.*

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STATE OF ILLINOIS DEPARTMENT OF PUBLIC HEALTH,
*Springfield, January 31, 1929.*

WARREN F. DRAPER, M. D.,
*Assistant Surgeon General, United States Public Health Service, Washington, D. C.*

DEAR DOCTOR DRAPER: In compliance with your request, we hereby inclose a copy of a statement of the Pulaski County (Ill.) health unit, number of personnel, and annual appropriations, indicating cooperating agencies, which has been forwarded by Dr. R. M. Hathaway, health officer of said unit, address, Mound City, Ill.

Very truly yours,

ISAAC D. RAWLINGS, M. D.,
*Director of Public Health.*

*Full-time county health work in operation December 31, 1928, State of Illinois*

| Name of county | Director | | Date operations began | Number in personnel | | | | | | | | | | | | Annual appropriations | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Full time | | | | | | Part time | | | | | | | Appropriated by cooperating agencies | | | | | | |
| | Name | Professional degree | | Medical officers | Nonmedical officers | Inspectors | Nurses | Clerks | Others | Medical officers | Nonmedical officers | Inspectors | Nurses | Clerks | Others | Total budget | County | State | U. S. Public Health Service | Illinois Health Bureau | Red Cross | Towns | Other agencies |
| Pulaski | R. M. Hathaway. | M. D. | Feb. 20, 1928 | 1 | ---- | 1 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | $9,300 | $2,500 | $1,800 | $3,000 | $2,000 | ---- | ---- | ---- |

STATE BOARD OF HEALTH OF KENTUCKY,
*Louisville, Ky., January 16, 1929.*

Dr. W. F. DRAPER,
*United States Public Health Service, Washington, D. C.*

DEAR DOCTOR DRAPER: For your information, I am inclosing copies of letters to Senator SACKETT, Mr. THATCHER and wires to each of the health officers in the United States about the Ransdell bill.

If I can be of any further service, command me.

Sincerely yours,

A. T. MCCORMACK, *Secretary.*

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JANUARY 16, 1929.

Hon. F. M. SACKETT,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: I am inclosing copies of letter going to all of the State health officers to-day and I hope telegrams to their Senators will help the Ransdell bill.

I am also sending you the correspondence in regard to the Lincoln Memorial, with a covering letter that I hope will help.

In accordance with your suggestion, I had a very pleasant conversation with Mr. Mills. He said it would be necessary for the Surgeon

General to originate a new Budget request for the second deficiency bill. He said it would have pretty hard sledding, he was afraid, as he doubted if the Budget Bureau would accept it. I told him you wanted to talk with him a little later about it and that I would write you to-morrow, refreshing your mind as to the details. I found him perfectly fair and open-minded and believe we will have his approval. I saw Doctor Draper and I am getting the data he needs for his Budget request.

I think it would be well for you to telephone and ask Doctors Draper and Stimson to come over to your office and show them the Dick letter and clipping. They would be able to give you the best possible answer to it. I am also taking other steps to see if I can stop the opposition. I am going to let you hear from me as soon as I find that anything has been accomplished.

Sincerely, A. T. McCORMACK, *Secretary.*

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JANUARY 15, 1929.

Hon. M. H. THATCHER,
*Member of Congress, Washington, D. C.*

DEAR MR. THATCHER: Just before leaving on Monday I dropped in to see Mr. SACKETT. He had had information that led him to think the special session would be restricted to the consideration of farm relief and tariff measures and that there would be no appropriation bill. He, therefore, suggested that I see Mr. Mills before I left and arranged for me to have a conference with him. I was sorry that I could not catch you before the train left to tell you the details of the conversation, but I am sure that you will be interested in knowing that he smilingly said it would not make much difference what he did; that that Kentucky delegation, led by you, would probably secure the appropriation as they had done in other instances that had not exactly met with the Treasury's approval. He mentioned the hospital, road, bridge and coal appropriations, as well as the $130,000 health item. Before we had finished, he said it would be necessary for the Surgeon General to make a request, and he rather indicated that he would support it when it came to him for his approval, although he did not say this definitely.

I am wiring the other health officers in the Mississippi flood area, asking them to supply Doctor Draper with the necessary data immediately. Mr. Mills was doubtful as to whether or not it would receive the approval of the Budget Bureau even if he approved it. If it becomes necessary, however, I feel confident that you, Mr. ROBSION, and Mrs. LANGLEY can secure a nod from the President in favor of the appropriation, which would overcome that difficulty. I am going to try to prepare a memorandum to-morrow, which I will send you and Mr. SACKETT so you will have the facts in hand.

I assume that you have heard of the sad death of Governor Sampson's daughter last Saturday night. Mrs. McCormack joins me in warm personal regards to you and Mrs. THATCHER.

Your friend,

A. T. McCORMACK, *Secretary.*

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JANUARY 15, 1929.

Dr. E. L. BISHOP,
*State Health Officer, Nashville, Tenn.*

Just returned from Washington. Send Draper all possible details supporting service in request for deficiency appropriation to bring this item up to last year's Federal contribution. Give details of flood damage each county 1928 where possible and explain county unable to increase its contribution where this is true. Important that he get this as soon as possible. A. T. McCORMACK.

(Also to Dr. F. J. Underwood, Jackson, Miss.; Dr. James Steward, Jefferson City, Mo.; Dr. Charles W. Garrison, Little Rock, Ark.; Dr. Oscar Dowling, President States Board of Health, New Orleans, La.)

*Kentucky budget for county health work (flood counties), 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on same basis as heretofore*

| Description | Allotments | County | For county | | State | U. S. Public Health Service | Rockefeller Foundation | Other agencies |
|---|---|---|---|---|---|---|---|---|
| | | | U. S. Public Health Service | Rockefeller Foundation | | | | |
| CENTRAL ADMINISTRATION | | | | | | | | |
| First assistant director, salary | $4,000.00 | | | | | $3,000.00 | $1,000.00 | |
| Second assistant director, salary | 4,000.00 | | | | | 3,000.00 | 1,000.00 | |
| Clerk, salary | 1,000.00 | | | | | | 1,000.00 | |
| Travel, first assistant director | 1,500.00 | | | | | | 1,500.00 | |
| Travel, second assistant director | 1,500.00 | | | | | | 1,500.00 | |
| Special inspector, salary (supplemental) | 1,800.00 | | | | | 1,650.00 | 150.00 | |
| Special inspector, travel | 1,500.00 | | | | | | 1,500.00 | |
| Total | 15,300.00 | | | | | 7,650.00 | 7,650.00 | |
| PERRY COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | | $3,000.00 | | | | | |
| Salary, sanitary inspector | 1,200.00 | | | | | 1,200.00 | | |
| Salary, public-health nurse | 1,800.00 | | 1,000.00 | | | 50.00 | 750.00 | |
| Do | 1,500.00 | $1,000.00 | | | | | 500.00 | |
| Travel, health officer | 900.00 | | | | $900.00 | | | |
| Travel, sanitary inspector | 400.00 | | | | 400.00 | | | |
| Travel, public-health nurse | 800.00 | | | | 800.00 | | | |
| Contingent expenses | 1,400.00 | 1,000.00 | | | 400.00 | | | |
| Total | 11,000.00 | 2,000.00 | 4,000.00 | | 2,500.00 | 1,250.00 | 1,250.00 | |
| LETCHER COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,000.00 | | 500.00 | 500.00 | | |
| Salary, sanitary inspector | 1,200.00 | | | | | 750.00 | 450.00 | |
| Salary, public-health nurse | 1,800.00 | | | | 1,800.00 | | | |
| Do | 1,500.00 | 1,500.00 | | | | | | |
| Travel, health officer | 900.00 | 500.00 | | | 200.00 | | 200.00 | |
| Travel, sanitary inspector | 400.00 | | | | | | 400.00 | |
| Travel, public-health nurse | 800.00 | 600.00 | | | | | 200.00 | |
| Contingent expenses | 1,400.00 | 1,400.00 | | | | | | |
| Total | 11,000.00 | 4,000.00 | 2,000.00 | | 2,500.00 | 1,250.00 | 1,250.00 | |
| FLOYD COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,500.00 | | 450.00 | 50.00 | | |
| Salary, sanitary inspector | 1,200.00 | | | | | 1,200.00 | | |
| Salary, public-health nurse | 1,800.00 | | | | 1,650.00 | | 150.00 | |
| Do | 1,500.00 | 1,500.00 | | | | | | |
| Travel, health officer | 900.00 | | | | | | 900.00 | |
| Travel, sanitary inspector | 400.00 | | | | 400.00 | | | |
| Travel, public-health nurses | 800.00 | 600.00 | | | | | 200.00 | |
| Contingent expenses | 1,400.00 | 1,400.00 | | | | | | |
| Total | 11,000.00 | 3,500.00 | 2,500.00 | | 2,500.00 | 1,250.00 | 1,250.00 | |
| BALLARD COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,000.00 | | 250.00 | 750.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | 1,200.00 | | | | | | |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public-health nurse | 1,800.00 | | | | 1,050.00 | | 750.00 | |
| Travel, public-health nurse | 400.00 | 400.00 | | | | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 2,000.00 | 2,000.00 | | 2,500.00 | 750.00 | 750.00 | |

*Kentucky budget for county health work (flood counties), 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on same basis as heretofore*—Continued

| Description | Allotments | County | For county | | State | U. S. Public Health Service | Rockefeller Foundation | Other agencies |
|---|---|---|---|---|---|---|---|---|
| | | | U. S. Public Health Service | Rockefeller Foundation | | | | |
| **CARLISLE COUNTY** | | | | | | | | |
| Salary, health officer | $3,000.00 | | $2,000.00 | | $250.00 | $750.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | $450.00 | | | | | $750.00 | |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public-health nurse | 1,800.00 | 750.00 | | | 1,050.00 | | | |
| Travel, public-health nurse | 400.00 | 400.00 | | | | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 2,000.00 | 2,000.00 | | 2,500.00 | 750.00 | 750.00 | |
| **HICKMAN COUNTY** | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,000.00 | | 250.00 | | 750.00 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | 450.00 | | | | | | $750.00 |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public-health nurse | 1,800.00 | 750.00 | | | 1,050.00 | | | |
| Travel, public-health nurse | 400.00 | 400.00 | | | | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 2,000.00 | 2,000.00 | | 2,500.00 | | 750.00 | 750.00 |
| **TRIGG COUNTY** | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,000.00 | | 250.00 | 750.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | 450.00 | | | | | 750.00 | |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public-health nurse | 1,800.00 | 250.00 | | $500.00 | 1,050.00 | | | |
| Travel, public-health nurse | 400.00 | 400.00 | | | | | | |
| Contingent fund | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 1,500.00 | 2,000.00 | 500.00 | 2,500.00 | 750.00 | 750.00 | |
| **OHIO COUNTY** | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,000.00 | | 250.00 | 750.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | 450.00 | | | | | 750.00 | |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public-health nurse | 1,800.00 | 750.00 | | | 1,050.00 | | | |
| Travel, public-health nurse | 400.00 | 400.00 | | | | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 2,000.00 | 2,000.00 | | 2,500.00 | 750.00 | 750.00 | |
| **WEBSTER COUNTY** | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,000.00 | | 250.00 | 750.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | 450.00 | | | | | 750.00 | |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public-health nurse | 1,800.00 | 750.00 | | | 1,050.00 | | | |
| Travel, public-health nurse | 400.00 | 400.00 | | | | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 2,000.00 | 2,000.00 | | 2,500.00 | 750.00 | 750.00 | |
| **M'LEAN COUNTY** | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,000.00 | | 250.00 | 750.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | 450.00 | | | | | 750.00 | |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public-health nurse | 1,800.00 | 250.00 | | 500.00 | 1,050.00 | | | |
| Travel, public-health nurse | 400.00 | 400.00 | | | | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 1,500.00 | 2,000.00 | 500.00 | 2,500.00 | 750.00 | 750.00 | |
| **CARTER COUNTY** | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,000.00 | | 250.00 | 750.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | 450.00 | | | | | 750.00 | |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public health nurse | 1,800.00 | 750.00 | | | 1,050.00 | | | |
| Travel, public health nurse | 400.00 | 400.00 | | | | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 2,000.00 | 2,000.00 | | 2,500.00 | 750.00 | 750.00 | |
| **BREATHITT COUNTY** | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,000.00 | | 250.00 | 750.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | 450.00 | | | | | 750.00 | |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public-health nurse | 1,800.00 | 750.00 | | | 1,050.00 | | | |
| Travel, public-health nurse | 400.00 | 400.00 | | | | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 2,000.00 | 2,000.00 | | 2,500.00 | 750.00 | 750.00 | |
| **MONROE COUNTY** | | | | | | | | |
| Salary, health officer | 3,000.00 | | 2,000.00 | | 250.00 | 750.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | 450.00 | | | | | 750.00 | |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public-health nurse | 1,800.00 | 750.00 | | | 1,050.00 | | | |
| Travel, public-health nurse | 400.00 | 400.00 | | | | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 2,000.00 | 2,000.00 | | 2,500.00 | 750.00 | 750.00 | |

*Kentucky budget for county health work (flood counties), 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on same basis as heretofore*—Continued

| Description | Allotments | County | For county | | State | U. S. Public Health Service | Rockefeller Foundation | Other agencies |
|---|---|---|---|---|---|---|---|---|
| | | | U. S. Public Health Service | Rockefeller Foundation | | | | |
| ESTILL COUNTY | | | | | | | | |
| Salary, health officer | $3,000.00 | | $2,000.00 | | $250.00 | $750.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | $450.00 | | | | | $750.00 | |
| Travel, sanitary inspector | 300.00 | | | | 300.00 | | | |
| Salary, public-health nurse | 1,800.00 | 750.00 | | | 1,050.00 | | | |
| Travel, public-health nurse | 400.00 | 400.00 | | | | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 2,000.00 | 2,000.00 | | 2,500.00 | 750.00 | 750.00 | |
| MORGAN-ELLIOTT COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | | 1,500.00 | $500.00 | 750.00 | 250.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, Morgan County public-health nurse | 1,500.00 | 400.00 | | | 850.00 | | 250.00 | |
| Travel, Morgan County public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent, Morgan County | 300.00 | 300.00 | | | | | | |
| Salary, Elliott County public-health nurse | 1,800.00 | | 750.00 | | 1,050.00 | | | |
| Travel, Elliott County public-health nurse | 600.00 | | | | 600.00 | | | |
| Supplemental travel, health officer for Elliott County | 240.00 | | | | 240.00 | | | |
| Contingent, Elliott County | 610.00 | | | | 610.00 | | | |
| Total | 9,250.00 | 1,000.00 | 2,250.00 | 500.00 | 5,000.00 | 250.00 | 250.00 | |
| MENIFEE COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | | 1,500.00 | | 1,250.00 | 250.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, public-health nurse | 1,500.00 | 900.00 | | | 350.00 | | 250.00 | |
| Travel, public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 1,500.00 | 1,500.00 | | 2,500.00 | 250.00 | 250.00 | |
| LAWRENCE COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | | 1,500.00 | | 1,250.00 | 250.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, public health-nurse | 1,500.00 | 900.00 | | | 350.00 | | 250.00 | |
| Travel, public health-nurse | 300.00 | 300.00 | | | | | | |
| Contingent | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 1,500.00 | 1,500.00 | | 2,500.00 | 250.00 | 250.00 | |
| MAGOFFIN COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | | 1,500.00 | | 1,250.00 | 250.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, public-health nurse | 1,500.00 | 900.00 | | | 350.00 | | 250.00 | |
| Travel, public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 1,500.00 | 1,500.00 | | 2,500.00 | 250.00 | 250.00 | |
| WOLFE COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | | 1,500.00 | | 1,250.00 | 250.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, public-health nurse | 1,500.00 | 900.00 | | | 350.00 | | 250.00 | |
| Travel, public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 1,500.00 | 1,500.00 | | 2,500.00 | 250.00 | 250.00 | |
| LEE COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | | 1,500.00 | | 1,250.00 | 250.00 | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, public-health nurse | 1,500.00 | 900.00 | | | 350.00 | | 250.00 | |
| Travel, public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 1,500.00 | 1,500.00 | | 2,500.00 | 250.00 | 250.00 | |
| LESLIE COUNTY | | | | | | | | |
| Health officer: | | | | | | | | |
| Salary | 3,000.00 | | 1,500.00 | | 1,250.00 | 250.00 | | |
| Travel | 900.00 | | | | 900.00 | | | |
| Public-health nurse: | | | | | | | | |
| Salary | 1,500.00 | 900.00 | | | 350.00 | | 250.00 | |
| Travel | 300.00 | 300.00 | | | | | | |
| Contingent | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 1,500.00 | 1,500.00 | | 2,500.00 | 250.00 | 250.00 | |
| OWSLEY COUNTY | | | | | | | | |
| Health officer: | | | | | | | | |
| Salary | 3,000.00 | | 750.00 | | 2,250.00 | | | |
| Travel | 900.00 | 650.00 | | | 250.00 | | | |
| Contingent | 100.00 | 100.00 | | | | | | |
| Total | 4,000.00 | 750.00 | 750.00 | | 2,500.00 | | | |
| MARTIN COUNTY | | | | | | | | |
| Health officer: | | | | | | | | |
| Salary | 3,000.00 | | 750.00 | | 2,250.00 | | | |
| Travel | 900.00 | 650.00 | | | 250.00 | | | |
| Contingent | 100.00 | 100.00 | | | | | | |
| Total | 4,000.00 | 750.00 | 750.00 | | 2,500.00 | | | |
| HOPKINS COUNTY | | | | | | | | |
| Salary, health officer | 3,000.00 | 160.00 | | | 2,500.00 | 300.00 | | $40.00 |
| Salary, sanitary inspector | 1,200.00 | | | | | 1,200.00 | | |
| Salary, public-health nurse | 1,800.00 | 640.00 | | | | 1,000.00 | | 160.00 |
| Do | 1,500.00 | 1,200.00 | | | | | | 300.00 |
| Travel, health officer | 480.00 | 384.00 | | | | | | 96.00 |
| Travel, sanitary inspector | 300.00 | 240.00 | | | | | | 60.00 |
| Travel, public-health nurses | 600.00 | 480.00 | | | | | | 120.00 |
| Contingent expenses | 1,120.00 | 896.00 | | | | | | 224.00 |
| Total | 10,000.00 | 4,000.00 | | | 2,500.00 | 2,500.00 | | 1,000.00 |

*Budgets for county health work (flood counties) 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on basis of 50 per cent United States Public Health Service of old budget, and 25 per cent reduction by International Health Board during last 6 months*

| Description | Allotments | County | For county | | State | U. S. Public Health Service | Rockefeller Foundation | Other agencies |
|---|---|---|---|---|---|---|---|---|
| | | | U. S. Public Health Service | Rockefeller Foundation | | | | |
| CENTRAL ADMINISTRATION | | | | | | | | |
| First assistant director, salary | $4,000.00 | | | | | $3,000.00 | $1,000.00 | |
| Second assistant director, salary | 4,000.00 | | | | | 3,000.00 | 1,000.00 | |
| Clerk, salary | 1,000.00 | | | | | | 1,000.00 | |
| Travel, first assistant director | 1,500.00 | | | | | | 1,500.00 | |
| Travel, second assistant director | 1,500.00 | | | | | | 1,500.00 | |
| Special inspector, salary (supplemental) | 1,800.00 | | | | | 1,650.00 | 150.00 | |
| Special inspector, travel | 1,500.00 | | | | | | 1,500.00 | |
| Total | 15,300.00 | | | | | 7,650.00 | 7,650.00 | |
| PERRY COUNTY [1] | | | | | | | | |
| Salary, health officer | 3,000.00 | | $2,000.00 | | | 625.00 | 375.00 | |
| Salary, sanitary inspector | 1,200.00 | | | | $1,200.00 | | | |
| Salary, public-health nurse | 1,800.00 | $1,800.00 | | | | | | |
| Do | 1,500.00 | 1,500.00 | | | | | | |
| Travel, health officer | 900.00 | | | | 181.25 | | 718.75 | |
| Travel, sanitary inspector | 400.00 | | | | 400.00 | | | |
| Travel, public-health nurses (each $400) | 800.00 | 800.00 | | | | | | |
| Contingent expenses | 1,400.00 | 681.75 | | | 718.75 | | | |
| Total | 11,000.00 | 4,781.75 | 2,000.00 | | 2,500.00 | 625.00 | 1,093.75 | |
| LETCHER COUNTY [2] | | | | | | | | |
| Salary, health officer | 3,000.00 | 281.25 | 1,000.00 | | | 625.00 | 1,093.75 | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Do | 1,500.00 | 1,500.00 | | | | | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Travel, sanitary inspector | 400.00 | | | | 400.00 | | | |
| Travel, public-health nurses (each $400) | 800.00 | 800.00 | | | | | | |
| Contingent fund | 1,400.00 | 1,400.00 | | | | | | |
| Total | 11,000.00 | 5,781.25 | 1,000.00 | | 2,500.00 | 625.00 | 1,093.75 | |
| FLOYD COUNTY [3] | | | | | | | | |
| Salary, health officer | 3,000.00 | 31.25 | 1,250.00 | | | 625.00 | 1,093.75 | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Do | 1,500.00 | 1,500.00 | | | | | | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Travel, sanitary inspector | 400.00 | | | | 400.00 | | | |
| Travel, public-health nurses (each, $400) | 800.00 | 800.00 | | | | | | |
| Contingent expenses | 1,400.00 | 1,400.00 | | | | | | |
| Total | 11,000.00 | 5,531.25 | 1,250.00 | | 2,500.00 | 625.00 | 1,093.75 | |
| BALLARD COUNTY [4] | | | | | | | | |
| Salary, health officer | 3,000.00 | 968.75 | 1,000.00 | | | 375.00 | 656.25 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,468.75 | 1,000.00 | | 2,500.00 | 375.00 | 656.25 | |
| CARLISLE COUNTY [5] | | | | | | | | |
| Salary, health officer | 3,000.00 | 968.75 | 1,000.00 | | | 375.00 | 656.25 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,468.75 | 1,000.00 | | 2,500.00 | 375.00 | 656.25 | |
| HICKMAN COUNTY [6] | | | | | | | | |
| Salary, health officer | 3,000.00 | 968.75 | 1,000.00 | | | 375.00 | 656.25 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,468.75 | 1,000.00 | | 2,500.00 | 375.00 | 656.25 | |
| TRIGG COUNTY [7] | | | | | | | | |
| Salary, health officer | 3,000.00 | 531.25 | 1,000.00 | $437.50 | | 375.00 | 656.25 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,031.25 | 1,000.00 | 437.50 | 2,500.00 | 375.00 | 656.25 | |

[1] Assessed valuation $13,500,000; one-half mill, $6,750; 2 bank failures in 1928. Coal industry hard hit. Large road-bond issue.
[2] Assessed valuation, $9,250,000; one-half mill, $6,150; 1 bank failure in 1928; heavy road-bond indebtedness; coal industry hard hit; total expenditures exceeded revenue 1928.
[3] Assessed valuation, $9,250,000; one-half mill tax, $4,625; allowable tax rate utilized to limit. County heavily bonded. Coal industry hard hit.
[4] Assessed valuation, $8,300,000; one-half mill tax, $4,150; exceed revenues. Heavy road-bond issue. Tax rate fully utilized. Five years' expenditures.
[5] Assessed valuation, $5,100,000; one-half mill tax, $2,550. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.
[6] Assessed valuation, $6,200,000; one-half mill tax, $3,600. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.
[7] Assessed valuation, $4,800,000; one-half mill tax, $2,400. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.

*Budgets for county health work (flood counties) one year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on basis of 50 per cent United States Public Health Service of old budget, and 25 per cent reduction by International Health Board during last 6 months*—Continued

| Description | Allotments | County | For county | | State | U. S. Public Health Service | Rockefeller Foundation | Other agencies |
|---|---|---|---|---|---|---|---|---|
| | | | U. S. Public Health Service | Rockefeller Foundation | | | | |
| **OHIO COUNTY [8]** | | | | | | | | |
| Salary, health officer | $3,000.00 | $968.75 | $1,000.00 | | | $375.00 | $656.25 | |
| Travel, health officer | 900.00 | | | | $900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,468.75 | 1,000.00 | | 2,500.00 | 375.00 | 656.25 | |
| **WEBSTER COUNTY [9]** | | | | | | | | |
| Salary, health officer | 3,000.00 | 968.75 | 1,000.00 | | | 375.00 | 656.25 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, health officer | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,468.75 | 1,000.00 | | 2,500.00 | 375.00 | 656.25 | |
| **M'LEAN COUNTY [10]** | | | | | | | | |
| Salary, health officer | 3,000.00 | 531.25 | 1,000.00 | $437.50 | | 375.00 | 656.25 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,031.25 | 1,000.00 | 437.50 | 2,500.00 | 375.00 | 656.25 | |
| **CARTER COUNTY [11]** | | | | | | | | |
| Salary, health officer | 3,000.00 | 968.75 | 1,000.00 | | | 375.00 | 656.25 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,468.75 | 1,000.00 | | 2,500.00 | 375.00 | 656.25 | |
| **BREATHITT COUNTY [12]** | | | | | | | | |
| Salary, health officer | 3,000.00 | 968.75 | 1,000.00 | | | 375.00 | 656.25 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,468.75 | 1,000.00 | | 2,500.00 | 375.00 | 656.25 | |
| **MONROE COUNTY [13]** | | | | | | | | |
| Salary, health officer | 3,000.00 | 968.75 | 1,000.00 | | | 375.00 | 656.25 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,468.75 | 1,000.00 | | 2,500.00 | 375.00 | 656.25 | |
| **ESTILL COUNTY [14]** | | | | | | | | |
| Salary, health officer | 3,000.00 | 968.75 | 1,000.00 | | | 375.00 | 656.25 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, sanitary inspector | 1,200.00 | | | | 1,200.00 | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Salary, public-health nurse | 1,800.00 | 1,800.00 | | | | | | |
| Travel, public-health nurse | 400.00 | | | | 400.00 | | | |
| Contingent and supplies | 400.00 | 400.00 | | | | | | |
| Total | 8,000.00 | 3,468.75 | 1,000.00 | | 2,500.00 | 375.00 | 656.25 | |
| **MORGAN-ELLIOTT COUNTIES** | | | | | | | | |
| Salary, health officer | 3,000.00 | 1,093.75 | 1,125.00 | 437.50 | | 125.00 | 218.75 | |
| Travel, health officer | 900.00 | | | | 900.00 | | | |
| Salary, Morgan County public-health nurse | 1,500.00 | | | | 1,500.00 | | | |
| Travel, Morgan County public-health nurse | 300.00 | 200.00 | | | 100.00 | | | |
| Contingent, Morgan County | 300.00 | 300.00 | | | | | | |
| Salary, Elliott County public-health nurse | 1,800.00 | | | | 1,800.00 | | | |
| Travel, Elliott County public-health nurse | 600.00 | | | | 600.00 | | | |
| Supplemental travel, health officer for Elliott County | 240.00 | 140.00 | | | 100.00 | | | |
| Contingent, Elliott County | 610.00 | 610.00 | | | | | | |
| Total | 9,250.00 | 2,343.75 | 1,125.00 | 437.50 | 5,000.00 | 125.00 | 218.75 | |

[8] Assessed valuation, $11,000,000; one-half mill tax, $5,500. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.
[9] Assessed valuation, $9,700,000; one-half mill tax, $4,850. Allowable tax rate utilized to limit. Coal industry hard hit. Heavy road-bond indebtedness.
[10] Assessed valuation, $7,000,000; one-half mill tax, $3,500. Allowable tax rate utilized to limit. Heavy road-bond indebtedness. Two successive floods; worst in history.
[11] Assessed valuation, $5,500,000; one-half mill tax, $2,750. Allowable tax rate utilized to limit. Heavy road-bond indebtedness. Expenditures exceeded revenue last 5 years, necessitating refunding bonds.
[12] Assessed valuation, $3,800,000; one-half mill tax, $1,900. Allowable tax rate utilized to limit. Heavy road-bond indebtedness. Coal industry hard hit.
[13] Assessed valuation, $3,800,000; one-half mill tax, $1,900. Allowable tax rate utilized to limit. Heavy road-bond indebtedness. County in pauper list.
[14] Assessed valuation, $5,000,000; one-half mill tax, $2,500. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.

*Budgets for county health work (flood counties) 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on basis of 50 per cent United States Public Health Service of old budget, and 25 per cent reduction by International Health Board during last 6 months*—Continued

| Description | Allotments | County | For county | | State | U. S. Public Health Service | Rockefeller Foundation | Other agencies |
|---|---|---|---|---|---|---|---|---|
| | | | U. S. Public Health Service | Rockefeller Foundation | | | | |
| MENIFEE COUNTY [15] | | | | | | | | |
| Salary, health officer | $3,000.00 | | $750.00 | | $1,906.25 | $125.00 | $218.75 | |
| Travel, health officer | 900.00 | $306.25 | | | 593.75 | | | |
| Salary, public-health nurse | 1,500.00 | 1,500.00 | | | | | | |
| Travel, public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 2,406.25 | 750.00 | | 2,500.00 | 125.00 | 218.75 | |
| LAWRENCE COUNTY [16] | | | | | | | | |
| Salary, health officer | 3,000.00 | | 750.00 | | 1,906.25 | 125.00 | 218.75 | |
| Travel, health officer | 900.00 | 306.25 | | | 593.75 | | | |
| Salary, public-health nurse | 1,500.00 | 1,500.00 | | | | | | |
| Travel, public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 2,406.25 | 750.00 | | 2,500.00 | 125.00 | 218.75 | |
| MAGOFFIN COUNTY [17] | | | | | | | | |
| Salary, health officer | 3,000.00 | | 750.00 | | 1,906.25 | 125.00 | 218.75 | |
| Travel, health officer | 900.00 | 306.25 | | | 593.75 | | | |
| Salary, public-health nurse | 1,500.00 | 1,500.00 | | | | | | |
| Travel, public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 2,406.25 | 750.00 | | 2,500.00 | 125.00 | 218.75 | |
| WOLFE COUNTY [18] | | | | | | | | |
| Salary, health officer | 3,000.00 | | 750.00 | | 1,906.25 | 125.00 | 218.75 | |
| Travel, health officer | 900.00 | 306.25 | | | 593.75 | | | |
| Salary, public-health nurse | 1,500.00 | 1,500.00 | | | | | | |
| Travel, public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 2,406.25 | 750.00 | | 2,500.00 | 125.00 | 218.75 | |
| LEE COUNTY [19] | | | | | | | | |
| Salary, health officer | 3,000.00 | | 750.00 | | 1,906.25 | 125.00 | 218.75 | |
| Travel, health officer | 900.00 | 306.25 | | | 593.75 | | | |
| Salary, public-health nurse | 1,500.00 | 1,500.00 | | | | | | |
| Travel, public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent fund | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 2,406.25 | 750.00 | | 2,500.00 | 125.00 | 218.75 | |
| LESLIE COUNTY [20] | | | | | | | | |
| Salary, health officer | 3,000.00 | | 750.00 | | 1,906.25 | 125.00 | 218.75 | |
| Travel, health officer | 900.00 | 306.25 | | | 593.75 | | | |
| Salary, public-health nurse | 1,500.00 | 1,500.00 | | | | | | |
| Travel, public-health nurse | 300.00 | 300.00 | | | | | | |
| Contingent fund | 300.00 | 300.00 | | | | | | |
| Total | 6,000.00 | 2,406.25 | 750.00 | | 2,500.00 | 125.00 | 218.75 | |
| OWSLEY COUNTY [21] | | | | | | | | |
| Salary, health officer | 3,000.00 | 125.00 | 375.00 | | 2,500.00 | | | |
| Travel, health officer | 900.00 | 900.00 | | | | | | |
| Contingent fund | 100.00 | 100.00 | | | | | | |
| Total | 4,000.00 | 1,125.00 | 375.00 | | 2,500.00 | | | |
| MARTIN COUNTY [22] | | | | | | | | |
| Salary, health officer | 3,000.00 | 125.00 | 375.00 | | 2,500.00 | | | |
| Travel, health officer | 900.00 | 900.00 | | | | | | |
| Contingent fund | 100.00 | 100.00 | | | | | | |
| Total | 4,000.00 | 1,125.00 | 375.00 | | 2,500.00 | | | |
| HOPKINS COUNTY [23] | | | | | | | | |
| Salary, health officer | 3,000.00 | | | | 1,750.00 | 1,250.00 | | |
| Salary, sanitary inspector | 1,200.00 | 450.00 | | | 750.00 | | | |
| Salary, public-health nurse | 1,800.00 | 800.00 | | | | | | $1,000.00 |
| Do | 1,500.00 | 1,500.00 | | | | | | |
| Travel, health officer | 480.00 | 480.00 | | | | | | |
| Travel, sanitary inspector | 300.00 | 300.00 | | | | | | |
| Travel, public-health nurses (each $300) | 600.00 | 600.00 | | | | | | |
| Contingent expenses | 1,120.00 | 1,120.00 | | | | | | |
| Total | 10,000.00 | 5,250.00 | | | 2,500.00 | 1,250.00 | | 1,000.00 |

[15] Assessed valuation, $1,500,000; one-half mill tax, $750. Listed as pauper county.
[16] Assessed valuation, $5,800,000; one-half mill tax, $2,900. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.
[17] Assessed valuation, $3,500,000; one-half mill tax, $1,750. Listed as pauper county.
[18] Assessed valuation, $2,300,000; one-half mill tax, $1,150. Listed as pauper county.
[19] Assessed valuation, $4,000,000; one-half mill tax, $2,000. Listed as pauper county.
[20] Assessed valuation, $4,000,000; one-half mill tax, $2,000. Listed as pauper county.
[21] Assessed valuation, $1,600,000; one-half mill tax, $800. Listed as pauper county.
[22] Assessed valuation, $2,800,000; one-half-mill tax, $1,400. Listed as pauper county. Coal industry paralyzed.
[23] Assessed valuation, $14,700,000; one-half mill tax, $7,350; allowable tax rate utilized to limit. Heavy road-bond indebtedness. Coal industry hard hit.

*Budgets for county health work (flood counties) 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on basis of 50 per cent United States Public Health Service of old budget, and 25 per cent reduction by International Health Board during last 6 months*—Continued

| Description | Allotments | County | For county | | State | U. S. Public Health Service | Rockefeller Foundation | Other agencies |
|---|---|---|---|---|---|---|---|---|
| | | | U. S. Public Health Service | Rockefeller Foundation | | | | |
| BELL COUNTY [24] | | | | | | | | |
| Salary, health officer | $3,000.00 | | | | $2,000.00 | $1,000.00 | | |
| Salary, public health nurse | 1,800.00 | $1,300.00 | | | 500.00 | | | |
| Do | 1,800.00 | 1,800.00 | | | | | | |
| Do | 1,500.00 | 1,500.00 | | | | | | |
| Salary, sanitary inspector | 1,200.00 | 1,200.00 | | | | | | |
| Travel, health officer | 900.00 | 900.00 | | | | | | |
| Travel, sanitary inspector | 400.00 | 400.00 | | | | | | |
| Travel, public-health nurses (each, $33.33) | 1,200.00 | 1,200.00 | | | | | | |
| Contingent fund | 700.00 | 700.00 | | | | | | |
| Total | 12,500.00 | 9,000.00 | | | 2,500.00 | 1,000.00 | | |

[24] Assessed valuation, $13,000,000; one-half mill tax, $6,500; total tax rate utilized. Heavily bonded for roads. Coal industry hard hit.

ROME, *December 27, 1928.*

The honorable the SECRETARY OF STATE,
*Washington.*

SIR: I have the honor to transmit herewith copies and a translation of the prospectus of the Superior School for the Study of Malaria (Scuola Superiore di Malariologia) in regard to the courses of instruction to be conducted in the school during the ensuing year. These courses are open to both Italians and foreigners upon the payment of the tuition fee. Prof. V. Ascoli, director of the Superior School for the Study of Malaria, has requested that this information be brought to the attention of such American institutions as may be interested.

I am informed by Dr. L. W. Hackett, local representative of the Rockefeller Foundation, that the Superior School for the Study of Malaria (Scuola Superiore di Malariologia) has been organized by the Italian Government and that it is being commendably conducted.

In this connection I am advised by Doctor Hackett that the International Malaria Institute, referred to in the ambassador's confidential dispatch No. 1308 of June 18, 1927, which was inaugurated on June 16, 1927, has had no further meetings and, as far as Doctor Hackett has been able to discover, no longer exists. Professor Ascoli, who was to have been a director of the International Institute, is now in charge of the new Superior School for the Study of Malaria (Scuola Superiore di Malariologia).

I have the honor to be, sir,
Your obedient servant,

ALEXANDER KIRK,
*Chargé d'Affaires ad interim.*

(Inclosures: Copy prospectus and translation of same.)

(Translation)

SUPERIOR SCHOOL FOR THE STUDY OF MALARIA

The Superior School for the Study of Malaria, which was established by His Excellency Mussolini in 1927, is a scientific and educational organization and forms a part of the vast program of the national government for the hygienic and social redemption of malarial lands.

The object of the school is to prepare experts for the drainage and care of the soil and for the battle against malaria.

In 1929 the Superior School for the Study of Malaria will initiate its third year of instruction. This school has a medical section for doctors and those preparing to be doctors in medicine, and a technical-economic section for engineers and those preparing to be engineers, and for doctors and those preparing to be doctors in agriculture.

The instruction, which is given by our most noted students of malaria and by expert technicians in hydraulics and agriculture, comprises theoretical and practical lessons, clinic, and laboratory practice, tours of instruction in marshlands and to the large and small drainage-improvement works.

Both Italians and foreigners may attend the courses. The tuition is lire 300 for each student.

The courses in the technical-economic section will open April 1 and continue until May 30, 1929.

The courses in the medical section will open July 1 and continue until September 30, 1929.

Students who complete the courses may request a certificate of attendance and obtain a diploma if they successfully pass the examinations.

Four scholarships have been provided for postgraduate study of lire 5,000 each, to be assigned to two students in the medical section and to two students in the technical-economic section who attend the courses of the school.

For programs and entrance conditions apply to the secretary of the school, R. Clinica Medica, Policlinico Umberto I, Rome.

V. ASCOLI, *Director.*

SCUOLA SUPERIORE DI MALARIOLOGIA,
*Roma, 25 novembre 1928.*

La Scuola Superiore di Malariologia, instituita da S. E. Mussolini nel 1927 anno V, è un organismo didattico e scientifico che viene a inserirsi nella vasta opera del Governo Nazionale per la redenzione igienica e sociale delle terre malariche.

La scuola ha l'alta missione di preparare militi esperti nelle opere di bonifica del suolo e nella lotta contro l'endemia malarica.

La Scuola Italiana di Malariologia inizia nel 1929 il III Anno di insegnamento. Essa comprende una sezione medica per laureati e laureandi in medicina e una tecnico-economica per ingegneri e laureandi in ingegneria e dottori e laureandi in agraria.

L'insegnamento impartito dai nostri più insigni studiosi di malaria e da valorosi tecnici di idraulica ed agraria, comprenderà lezioni teorico-pratiche, esercitazioni cliniche e di laboratorio, gite di istruzione in zone palustri e in località di grande e di piccola bonifica.

Potranno frequentare i corsi, cittadini italiani e stranieri: la tassa d'iscrizione è di L. 300 perogni allievo.

I corsi della sezione tecnico-economica avranno inizio il 1° aprile e si chiuderanno il 30 maggio 1929.

I corsi della sezione medica avranno inizio il 1° luglio e si chiuderanno il 30 settembre 1929.

Gli allievi, ultimati i corsi, potranno richiedere il certificato di frequenza ed ottenere il diploma se giudicati idonei nelle prove d'esame.

Sono istituite N. 4 borse di studio per un periodo di perfezionamento di L. 5,000 ciascuna da assegnarsi a due allievi della sezione medica e a due allievi della sezione tecnico-economica che abbiano frequentati i corsi della scuola.

Per i programmi e per le norme d'iscrizione rivolgersi alla segreteria della scuola, R. Clinica Medica, Policlinico Umberto I, Roma.

V. ASCOLI,
*Il Direttore.*

Mr. TRAMMELL obtained the floor.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. REED of Pennsylvania. Did not the Chair announce that he intended to adhere to the rotation established in the unanimous-consent agreement?

Mr. TRAMMELL. That is what he is doing.

The PRESIDING OFFICER. The Chair announced the rotation which he had had prepared from the RECORD of last night. The Senator from Florida is next in order under the unanimous-consent agreement.

Mr. TRAMMELL. That is all I am asking, to be recognized in the rotation specified by the unanimous-consent agreement. I desire to offer the following amendment.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. On page 108, after line 5, insert:

Bayboro Harbor, St. Petersburg, Fla.: The amount of approximately $17,000 which was heretofore allocated by the Secretary of War and the Chief of Engineers for the purpose of the completion of a jetty along the south side of Bayboro Harbor, St. Petersburg, Fla., be and the same is hereby transferred and made available, and shall be used for the purpose of dredging a channel 16 feet deep and approximately 200 feet wide described as follows:

"Extending on the easterly side of Point Pinellas lighted beacon in a direction approximately 328° true, the westerly boundary of the channel to be dredged as close to the said beacon as practicable."

Mr. TRAMMELL. Mr. President, this has been approved by the War Department and I desire to have inserted in the RECORD a letter from the Secretary of War relating to it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

WAR DEPARTMENT,
*Washington, February 21, 1929.*

Hon. WESLEY L. JONES,
*Chairman Committee on Commerce,*
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: I have the honor to acknowledge receipt of your letter of the 23d ultimo, inclosing copy of bill S. J. Res. 52—

"Providing for the transfer of certain funds for the purpose of certain channel improvement at St. Petersburg, Fla."—

and requesting that the Committee on Commerce be furnished such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply permit me to state that the bill has been examined by the Chief of Engineers, who advises me that he will interpose no objection to passage of such a bill. He does, however, suggest that in the interests of clarity, the description contained in lines 10 to 16 of the bill be revised as indicated thereon in red ink.

Sincerely yours,

DWIGHT F. DAVIS,
*Secretary of War.*

Mr. WARREN. I have looked the matter up to some extent. It is subject to a point of order; but, on the other hand, it is not an expenditure of new money. It is simply a transfer from one purpose that is not now necessary to another purpose that is strongly advocated by the War Department. Therefore I will not make the point of order.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Florida [Mr. TRAMMELL].

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I send to the desk the following amendment which I now offer.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 62, after line 9, insert the following:

ALTERATIONS TO NAVAL VESSELS

Toward the alterations and repairs required for the purpose of modernizing the U. S. S. *Pennsylvania* and *Arizona*, as authorized by the act entitled "An act to authorize alterations and repairs to certain naval vessels," approved February 25, 1929, $12,000,000, to be available until expended.

Mr. WARREN. Mr. President, when two battleships are brought to bear upon me at once, I suppose I have to surrender. I will make no objection to the inclusion of the amendment in the bill.

Mr. KING. Mr. President, is it not subject to a point of order?

Mr. REED of Pennsylvania. No; it is not, because it is authorized by the general law which was signed by the President on February 25 of this year, and therefore it is strictly within paragraph 1 of the rule relating to appropriation bills.

Mr. KING. Why was not the matter cared for in the naval appropriation bill?

Mr. REED of Pennsylvania. It could not be done because the bill had not been signed by the President in time. It was not signed until February 25.

Mr. KING. The point I have in mind is this: Why did not the Appropriations Committee of the House dealing with naval affairs look after the item if it be a worthy one?

Mr. REED of Pennsylvania. They could not do that because the bill authorizing the reconditioning did not pass and reach the President for signature until the 25th of the present month.

Mr. KING. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Virginia [Mr. SWANSON] is recognized next under the unanimous-consent agreement.

Mr. SWANSON. Mr. President, I simply desired to speak on behalf of the amendment which has just been adopted. It having been adopted there is nothing for me to say.

The PRESIDING OFFICER. The Senator from Iowa [Mr. BROOKHART] is recognized next.

Mr. FLETCHER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER The Senator from Florida will state the inquiry.

Mr. FLETCHER. I have two amendments which have been presented and printed and are lying on the table. I am not sure under the unanimous-consent agreement whether they ought to be offered now before the time expires for taking a vote on amendments. If I have to offer them before that time, I should like to do so now.

The PRESIDING OFFICER. Without objection, and by consent of the Senator from Iowa, the Senator from Florida may offer the amendments now.

Mr. FLETCHER. I offer them in order that they may be pending and voted on at a later time. I am not going to discuss the amendments anyhow to amount to anything. If the Senator from Iowa will allow me to do so, I would like to have them disposed of now.

The PRESIDING OFFICER. Does the Senator from Iowa yield for that purpose?

Mr. BROOKHART. I yield.

The PRESIDING OFFICER. The first amendment of the Senator from Florida will be stated.

The CHIEF CLERK. On page 77, line 21, strike out "$425,000" and insert in lieu thereof "$850,000"; and strike out "$1,775,000" and insert in lieu thereof "$2,200,000."

Mr. FLETCHER. The object is that only $425,000 is allowed for a post-office building site in Jacksonville, Fla., and that will not acquire the proper kind of a site. It is impossible to get a suitable site there for a public building for $425,000.

Mr. WARREN. Mr. President, that will have to be a matter for consideration in the next session of Congress. I wish to say to the Senator, much as it hurts me to refuse anything he offers, that many of the States do not have a single post office provided for in the bill, while there are about 100 post offices provided for in the bill. We are compelled to stick to what comes to us with the proper backing from the Budget and keep to the list as accurately as possible. I shall have to make a point of order against the amendment.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. FLETCHER. I offer the other amendment. I understand it is by the courtesy of the Senator from Iowa.

Mr. BROOKHART. I yield for that purpose.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 77, after line 21, insert the following:

Key West (Fla.) post office, etc.: For commencement of construction, $100,000, under an estimated total cost of $500,000.

Kissimmee (Fla.) post office: For commencement of constructon, $25,000, under an estimated total cost of $100,000.

On page 78, after line 9, insert the following:

Lake City (Fla.) post office: For commencement of construction, $25,000, under an estimated total cost of $100,000.

Mr. WARREN. Mr. President, I will have to make the point of order against the amendment.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. FLETCHER. May I say that these are sites which have been acquired by the Government many years ago.

Mr. WARREN. There are two similar sites in my State.

Mr. FLETCHER. We ought to have a public building there.

Mr. WARREN. No doubt; but that will have to be taken up in the next session of Congress.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. BROOKHART. Mr. President, I submit the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Insert on page 175, after line 17, the following:

*Provided*, That section 13 of the classification act of 1923, as amended by the act of May 28, 1928, is hereby amended by providing, effective on the first day of the month succeeding the enactment of this act, one additional salary rate as a maximum rate, which will add one increment or step up in each of the professional and scientific grades from 1 to 5, inclusive; all grades of subprofessional service; clerical, administrative, and fiscal services from 1 to 12, inclusive; and the custodial services, grades 2 and 4 to 10, inclusive: *Provided further*, That in the clerical-mechanical service the rate of compensation for classes of positions in grade 1 shall be 55 to 60 cents an hour; grade 2, 65 to 70 cents an hour; and grade 3, 75 to 80 cents an hour: *Provided further*, That the heads of the executive departments and independent establishments pursuant to authority to adjust the pay of certain employees in the departmental and field service shall, effective the first day of the month succeeding the passage of this act, readjust the compensation of the grades of the departmental services herein named and the corresponding field-service positions, so that employees whose positions were

affected by the act of May 28, 1928, and who did not receive an increase in salary the equivalent of two steps or salary rates in their respective grades, shall be given such additional step or steps or salary rate or rates within the grade as may be necessary to equal such increase: *And provided further*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, sufficient sums to readjust the salaries as herein directed during the remainder of the fiscal year 1929 and during the fiscal year 1930.

Mr. BROOKHART. Mr. President, I hope the Senator from Wyoming will accept this amendment. It is along the same line as the bill which the Senate passed a year ago, so that the Senate has already approved the schedules, as has been done by the House committee in the case of the Lehlbach bill. There is really no controversy between the two Houses, I think, over the proposition. It can properly go to conference and can properly be considered there. As I have said, the schedules in the amendment are the same as those provided in the bill which the Senate passed a year ago.

Mr. WARREN. Mr. President, we already have passed the Welch Act prescribing the amounts which shall be paid.

Mr. BROOKHART. Those schedules are stricken out by the committee amendment.

Mr. McKELLAR. The amendment striking that out has been agreed to by the Senate, as I understand.

Mr. WARREN. One at a time please. I wish to say to the Senator that I know, as he does, that the amendment which he has proposed probably embodies good legislation, but specifically it is legislation which we are debarred from putting on to an appropriation bill of this kind by way of amendment, and, being in charge of this bill, I can not do other than make a point of order on it as legislation on an appropriation bill.

Mr. BROOKHART. It is not subject to the point of order, I think, since the House——

Mr. WARREN. Let me finish my statement. Of course there are several points of order which could be made against the amendment, but the main point which I have already made is, I think, sufficient. Of course, the Senator from Iowa has his remedy, and I do not wish in any way to interfere with it, but, so far as the chairman of the committee in charge of the bill is concerned, it is all a matter of duty with him. The Senator is probably going to get what he wants in time in some other way.

Mr. BROOKHART. It would be a very appropriate matter to go to conference in view of the House action. The amendment presents the Senate view of the matter.

Mr. WARREN. We know nothing of what the House has done except for the long list of payments under the Welch bill which they have sent us with their indorsement. So I say to the Senator that I should think the better way would be to take that, and then, if the Senator feels so disposed, he can ask for more in another year.

Mr. BROOKHART. But this is the only way in which we can get any action on the matter.

Mr. WARREN. There are many things that come to a man's mind as to what may and what may not be done.

Mr. BROOKHART. This is directly in line with what the House did.

Mr. WARREN. Mr. President, I will have to insist upon the point of order.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question before the point is ruled on?

Mr. BROOKHART. Yes.

Mr. REED of Pennsylvania. Does this amendment have the effect of reducing the pay of the higher grades, the professional and specially qualified grades?

Mr. BROOKHART. It does not, but it raises the steps in the lower grades which we thought we raised before but did not do so.

Mr. REED of Pennsylvania. Is there anything in the deficiency bill that will have the effect of reducing the pay of the higher grades?

Mr. BROOKHART. That was stricken out by the committee.

Mr. McKELLAR. That was stricken out by the committee, and the amendment striking it out has since been agreed to by the Senate.

If the Senator from Iowa will yield, I should like to say that I thought there was an agreement last night—sometime during the day or last night—that the Senator from Iowa might offer his amendment and that a point of order would not be raised against it. Am I mistaken about that?

Mr. BROOKHART. The agreement was on the question of suspension of the rules.

Mr. McKELLAR. That is what I thought, and it was agreed to.

Mr. BINGHAM. No.

Mr. McKELLAR. I thought the agreement was that the Senator would not insist on his motion to suspend the rules, but could offer the amendment without such a motion.

Mr. BINGHAM. Mr. President, the agreement was to waive the 1-day clause; in other words, that the notice of the Senator from Iowa to suspend the rules need not lie over for one day.

Mr. McKELLAR. Of course, if he made his motion to suspend the rules, then it would have been in order if he could have obtained a two-thirds majority. I can not find the place in the RECORD just at this moment, but if such an agreement was made, then, of course, the Senator from Iowa has the right to present his amendment.

Mr. BINGHAM. If the Senator from Tennessee will permit me, the Senator from Iowa under the agreement was given the right to bring up the notice to suspend the rules to-day, even though to-day is not another legislative day.

Mr. McKELLAR. I did not understand it in that way.

Mr. BROOKHART. That is correct.

Mr. McKELLAR. Of course, that means nothing in the world. In other words, the Senator from Iowa would not have been any better off in that way than he was before. The only thing the Senator from Iowa can do now is to make a motion to suspend. It will take a two-thirds vote then to put on the amendment.

Mr. BROOKHART. That was the holding of the Chair, but I am insisting that the amendment I have offered is not subject to a point of order, because the House went into this subject and adopted part of the bill, and thus having opened the case we have the right to occupy the entire field. I understand that has been the ruling of the Senate heretofore.

The PRESIDING OFFICER. The Chair in ruling upon the point of order realizes it is a rather delicate situation. The precedents of the Senate establish the fact that where the House has adopted an item that would ordinarily be subject to a point of order, and it comes over here, an amendment to it will be in order. Vice President Marshall made this ruling:

Notwithstanding the rule of the Senate to the effect that general legislation may not be attached in an appropriation bill, still, when the House of Representatives have opened the door and proceed to enter upon a field of general legislation which has to do with a subject of this character, the Chair is going to rule * * * that the House having opened the door the Senate of the United States can walk in through the door and pursue the field.

The Chair is not going to rule on the point of order, but is going to submit it to the Senate. The question is, Shall the point of order be sustained?

The question being put, the point of order was overruled by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. McNARY. I submit an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 32, after line 4, it is proposed to insert the following:

To enable the United States to send delegates and an exhibit to the Fourth World Poultry Congress to be held in England in 1930, $15,000, to be expended under the direction of the Secretary of State for expenses of delegates designated by the President, and $25,000 additional, to be expended by the Secretary of Agriculture for preparation, transportation, installation, and demonstration of a suitable national exhibit for display at the proposed congress; in all, $40,000, fiscal years 1929 and 1930.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. I yield.

Mr. REED of Pennsylvania. That matter came before the Committee on Foreign Relations on Tuesday morning, and after very considerable discussion a bill making a provision along the lines of the amendment was voted down, because the majority of the committee thought that it would be nothing more nor less than a junket for 15 persons to go to a poultry show in London. If we do that for the poultry industry, there is no reason in the world why we should not do it for the cattle industry and all the various agricultural activities; nor is there any reason why we should not do it for any other kind of legitimate business. It is setting a precedent that is going to come back to haunt the Congress many, many times. For that reason a majority of the Committee on Foreign Relations declined to report the bill favorably.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRATTON. Will the Chair have the amendment again read?

The PRESIDING OFFICER. The amendment will be again read.

The Chief Clerk again read the amendment.

Mr. REED of Pennsylvania. Mr. President, I make the point of order against the amendment.

Mr. McNARY. Mr. President, will the Senator from Pennsylvania give me an opportunity to say a word?

Mr. REED of Pennsylvania. Of course.

Mr. McNARY. Standing by themselves, the remarks of the distinguished Senator from Pennsylvania might well be in point. For the last 12 years, however, and on three separate occasions this Government has participated in a foreign poultry exhibit. This precedent has been set on former occasions. Also I may add that last year this country participated in a dairy exhibit in Canada, the delegates' expenses being paid. On three other occasions Congress has enacted similar legislation.

It would be very unfortunate, Mr. President, if the country were denied the opportunity of demonstrating the advance poultry culture has made in the United States. The Secretary of Agriculture and his assistants have informed me that in the poultry congresses heretofore held great progress has been made in demonstrating to foreign countries the cultural methods adopted in the poultry business, and the pure breeds of chickens that have been shown have been greatly to the advantage of the poultry industry in the country, which, by the way, is the fifth largest of all the agricultural industries appertaining to America.

I am conscious of the fact that the amendment is subject to the point of order, Mr. President, in that it is not for the purpose of carrying out existing law. It is true, however, that the House passed a bill on this subject but a day ago that was messaged to the Senate yesterday. The Foreign Relations Committee, to which it had been referred, in my opinion, in violation of law, was discharged from consideration of the measure, and it was referred to the Committee on Agriculture and Forestry. In behalf of that committee, I have reported the bill favorably, and so it is on the calendar.

Of course, knowing the rules, I am aware that the amendment is subject to a point of order; but I appeal to the Senator from Pennsylvania, in view of our having previously established the precedent, both as to the poultry industry and the dairy industry, and in view of the fact that other nations of the world participate in the movement which America initiated, now to withdraw from the exhibit support would be very unfortunate to this industry, which, I repeat, is the fifth largest agricultural interest in the country.

The Senator's point of order is well taken, but, in view of the circumstances surrounding this amendment, I hope he will permit it to go to conference.

Mr. REED of Pennsylvania. Mr. President, if the amendment covered only an exhibit at the poultry congress I would not have objected, but as long as it contains the item of $15,000 for a junket to London, I am not going to permit it to be adopted if I can prevent it.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. McNARY. Mr. President, I have the floor. Let me suggest to the Senator from Pennsylvania that I should be glad to eliminate the appropriation for expenses of delegates and leave the $25,000 appropriation.

Mr. REED of Pennsylvania. If the Senator from Oregon will do that, I will make no objection.

The PRESIDING OFFICER. The clerk will state the proposed modification of the amendment of the Senator from Oregon [Mr. McNARY].

The CHIEF CLERK. It is proposed to strike out, after the word "send," the words "delegates and"; also, after the date "1930," to strike out "$15,000, to be expended under the direction of the Secretary of State for expenses of delegates designated by the President and"; also, following the numerals "$25,000," to strike out the word "additional"; and, after the word Congress, to strike out "in all $40,000," so as to make the amendment read:

World's Fourth Poultry Congress: To enable the United States to send an exhibit to the Fourth World's Poultry Congress, to be held in England in 1930, fiscal years 1929 and 1930, $25,000, to be expended by the Secretary of Agriculture for preparation, transportation, installation, and demonstration of a suitable national exhibit for display at the proposed congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

Mr. COPELAND. Mr. President, I hope this amendment will prevail. The Senator from Oregon [Mr. McNARY] spoke of the poultry industry as the fifth industry. It is the third industry in America. It is a billion-dollar business that goes into every State in the Union; and we should give it the greatest possible encouragement.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon, as modified.

The amendment, as modified, was agreed to.

Mr. ODDIE obtained the floor.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Montana?

Mr. ODDIE. I do.

Mr. WHEELER. I have an amendment that will take just a couple of minutes, to be inserted on page 52, line 15. I send it to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be stated.

The CHIEF CLERK. On page 42, line 15, after the word "lien," it is proposed to insert, before the period, a colon and the following proviso:

*Provided further,* That the Federal Power Commission in issuing any permits or licenses for the development of power or power sites on the Flathead Indian Reservation, in the State of Montana, as authorized by the act of March 7, 1928 (45 Stat. 212, 213), is hereby authorized and directed to waive payment of the usual administrative fees or commissions charged under existing laws relating to or under regulations of said Federal Power Commission in the issuance of any such permits or licenses.

Mr. WARREN. Mr. President, that is one of the Indian matters that has the proper backing, and I shall make no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. ODDIE. Mr. President, in a few minutes I intend to send to the desk an amendment to the bill, and I desire to say a few words on it.

Mr. GLASS. Mr. President, will the Senator yield to me for just a moment to offer an amendment that will not take any time?

Mr. ODDIE. Yes; I yield to the Senator from Virginia.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia will be stated.

The CHIEF CLERK. On page 6, line 2, after "$48,000," it is proposed to insert the following:

*Provided,* That the care, custody, maintenance, and alteration of the premises are hereby transferred from the Secretary of Agriculture to the Director of Public Buildings and Public Parks of the National Capital: *Provided further,* That $2,000 of the appropriation "Salaries and expenses. Weather Bureau, 1930," shall be transferred to this appropriation: *Provided further,* That the act entitled "An act authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia," approved March 13, 1928 (45 Stat. 311), is hereby repealed.

Mr. WARREN. Mr. President, that amendment relates to a subject that is already in the bill, and I have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. ODDIE. Mr. President, I want to say a few words. I shall take only two or three minutes.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New York?

Mr. ODDIE. If it will not take any time. The time is getting short.

Mr. WAGNER. I do not think there will be any controversy about this amendment.

I offer the amendment which I send to the desk, and I call the attention of the Senator from Wyoming to it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The Senator from New York offers the following amendment: On page 109, between lines 20 and 21, insert the following:

Bath Home, Bath, N. Y.: For current expenses, subsistence, household, hospital, transportation, repairs, and farm, including the same objects specified under each of such heads for the Central Branch of the National Home for Disabled Volunteer Soldiers in the act making appropriations for the War Department for the fiscal year 1929, for the camp for veterans at Bath, N. Y., leased by the State of New York to the Board of General Managers of the National Home for Disabled Volunteer Soldiers, $500,000, fiscal year 1929, and to remain available until June 30, 1930.

Mr. WARREN. Mr. President, that is a matter that has been belated, but it is a matter of importance, because it will provide homes for some 1,500 or 2,000 or more disabled volunteer soldiers.

I have taken the pains to take up the matter personally with the Budget Bureau, and nothing but a delay because of signing a lease has hindered its coming here with a written or printed indorsement.

I think the amendment should be adopted, and I have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. ODDIE. Mr. President, in a few minutes I shall send to the desk an amendment which I will ask to have read. It refers to a claim of the State of Nevada against our Government. It is one of the most valid and meritorious claims that has ever come before the Senate. It has passed the Senate numbers of times in years past, and I hope it will go through on this bill this time.

Mr. BLACK. Mr. President, will the Senator yield to me for a moment for an amendment which will not require debate?

Mr. ODDIE. Mr. President, this amendment of mine will take just about two minutes. Then I shall be glad to yield.

Mr. BLACK. Very well.

Mr. ODDIE. I ask to have printed in the RECORD a favorable report from the Judiciary Committee of the Senate on this bill. It includes a statement from the Comptroller General on the request contained in a resolution which was offered by my colleague [Mr. PITTMAN] at this session, and passed by the Senate at the present session.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Mr. WATERMAN, from the Committee on the Judiciary, submitted the following report to accompany amendment to second deficiency appropriation bill, H. R. ——:

The Committee on the Judiciary, to whom was referred the amendment proposed to the second deficiency appropriation bill (H. R. ——) providing for the reimbursement of the State of Nevada in accordance with the statement of account rendered by the Comptroller General of the United States dated January 26, 1929, and printed in Senate Document No. 210, Seventieth Congress, second session, after due consideration beg to report said amendment favorably, with the recommendation that it be referred to the Committee on Appropriations for insertion in the second deficiency appropriation bill.

Said amendment is as follows:

"To reimburse the State of Nevada the net balance due as certified by the Comptroller General of the United States January 26, 1929, and printed in Senate Document Numbered 210, Seventieth Congress, second session, the sum of $595,076.53."

In support of said amendment there is hereto attached and made a part hereof, Senate Report No. 1706, submitted by your committee on S. 5717.

Senate Report No. 1706, Seventieth Congress, second session, follows:

[S. Rept. No. 1706, 70th Cong., 2d sess.]

The Committee on the Judiciary, to whom was referred the bill (S. 5717) providing for the relief of the State of Nevada, after consideration, reports the same favorably to the Senate and recommends that the bill do pass without amendment.

The subject matter of the bill was thoroughly examined into by your committee under S. J. Res. 41 and quite extensive hearings were held by a subcommittee and by the full committee, resulting in Senate Report No. 433, Seventieth Congress, first session. Reference is here made to said printed hearings and said report. S. J. Res. 41 passed the Senate March 2, 1928.

Under a resolution of the Senate (S. Res. 295) the Comptroller General under date of January 26, 1929, rendered the account between the State of Nevada and the United States for moneys advanced and actually expended in aid of the Government during the War between the States. The report of the Comptroller General (Sen. Doc. No. 210, 70th Cong., 2d sess.) is as follows:

WASHINGTON, D. C., *January 26, 1929.*

The PRESIDENT OF THE SENATE.

SIR: There has been received Senate Resolution 295, Seventieth Congress, second session, authorizing and directing me to—

"* * * reopen and restate the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement (1) to accept as a basis of calculation the balance due the State of Nevada on January 1, 1900, stated in the account set forth in the report of the Secretary of the Treasury printed in House Document No. 322, Fifty-sixth Congress, first session; (2) to add to such balance the interest certified by the comptroller of the State of Nevada as actually paid by said State on the sums so advanced and expended from January 1, 1900, to December 31, 1928; (3) to deduct from the total sum so stated the interest at 5 per cent per annum on $8,559.61 repaid by the United States on April 10, 1888, from the date of payment to December 31, 1928; (4) to deduct $12,283.04 repaid by the United States on July 1, 1910, together with interest thereon at the rate of 5 per cent per annum from July 1, 1910, to December 31, 1928, and certify to the Senate the balance found due the State of Nevada."

Complying therewith I have the honor to certify that the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States has been reopened and restated as directed in said resolution, and on said reopening and restatement the balance found due to the State of Nevada is $595,076.53, as follows:

| | |
|---|---|
| 1. Basis of calculation, balance due to the State of Nevada on Jan. 1, 1900, as stated in the account set forth in the report of the Secretary of the Treasury printed in House Document No. 322, Fifty-sixth Congress, first session | $462,441.97 |
| 2. Plus interest certified by the comptroller of the State of Nevada as actually paid by the State of Nevada on the sums so advanced and expended from Jan. 1, 1900, to Dec. 31, 1928, at 5 per cent per annum, on principal sum of $119,800.12 advanced and expended by the State of Nevada in aid of the Government of the United States during the War between the States | 173,710.17 |
| | 636,152.14 |
| 3. Less interest at 5 per cent per annum on $8,559.61 repaid by the United States on Apr. 10, 1888, from date of payment to Dec. 31, 1928 | 17,429.92 |
| | 618,722.22 |
| 4. Less $12,283.04 repaid by the United States on July 1, 1910, with interest thereon at 5 per cent per annum from July 1, 1910, to Des. 31, 1928, $11,362.65, or a total deduction of | 23,645.69 |
| Net balance | 595,076.53 |

Respectfully,

J. R. MCCARL,
*Comptroller General of the United States.*

For the information of the Senate a general statement of facts on which reimbursement is founded follows:

GEOGRAPHICAL FACTORS

In 1864, when said expenditures on behalf of the United States were made, the following state of facts obtained:

(1) West of Kanas, the only States were California and Oregon on the far Pacific coast. The vast region between was partitioned into Territories, sparsely settled and occupied by powerful Indian tribes, restive and resentful of the westward migration of the whites, and incited to hostilities by the general war conditions prevailing. No railroads west of the Missouri River; emigrant travel and transportation of passengers, mail, express, freight, and military supplies were by stagecoach, wagon trains, or saddleback. The westward route followed was the Overland Trail, made by the tread of emigrant trains (1844 to 1864) from St. Joseph, Mo., to Sacramento, Calif., a distance of over 1,500 miles.

(2) This fourth and crucial year of the Civil War, ocean communication with the Pacific coast via the Isthmus or Cape Horn was all but abandoned from war hazard.

THE OVERLAND TRAIL

(3) The Overland Trail thus became the most important line of communication between the East and West. Along it, moreover, stretched the Western Union telegraph, whilst corps of surveyors and engineers of the Union Pacific and Central Pacific Railroad Cos., chartered by acts of Congress in 1862, were exploring its course for favorable mountain passes and connecting routes across the plains and deserts to link West with East by railroad, which the Secretary of War had declared was of the utmost military importance (An. Rept. War Dept., 1864–65, p. 149), and the Government (July 2, 1864) was to aid with loans and land grants.

TERRITORY OF NEVADA

The Territory of Nevada at this time had become the goal of fortune seekers west and east. In five years the magic of discovered gold and silver had populated its wastes with some 15,000 adventurous people. Virginia City sprang into existence as the most important town on the Overland Trail.

James Nye, governor, was a commanding figure. Formerly on the bench of New York and first president of the metropolitan board of police, subsequently United States Senator, a close friend of Lincoln and Seward, he ranked among the foremost orators of his time. Other residents of the Territory were destined to play large parts in the affairs of the Nation. Samuel L. Clemens (Mark Twain), deputy secretary, was gathering the materials for Roughing It, the immortal picture of a phase of American history and life without counterpart.

Assessed valuation of property was under twenty millions. The Territory was too poor to own or contemplate a capitol building, its officials commonly having offices in their residences. The Territorial

assembly, a score or more of whose members were from New York and the New England States, sat on rude benches in a building donated by a public-spirited citizen, the floors carpeted with sawdust and the two houses separated by a canvas partition. Despite the wealth of the mines and the extreme carefulness with which public funds were appropriated, the treasury uniformly ran dry before the receipt of the December taxes. On November 1, 1864, when the State government succeeded the Territorial, there was but $1,101.98 cash balance in the treasury with $39,228.54 outstanding warrants issued against it.

FIRST REQUISITION FOR TROOPS

Regular troops stationed along the Pacific coast had been withdrawn to the Atlantic seaboard the first years of the war. California volunteers, by 1863, were protecting not only that State but the Southwest Territories to the boundary of Texas; those of Oregon were similarly extended to guard the Northwest.

Interruption of ocean communication with the Pacific coast by 1863 had made the protection of the Overland Trail a matter of grave military and national concern.

The first call on Nevada Territory for volunteers, dated April 2, 1863, was addressed the governor by General Wright, commander of Department of the Pacific:

"SIR: I have been authorized by the War Department to raise volunteer companies in Nevada Territory for the purpose of moving east over the overland route in the direction of Great Salt Lake City. If it is possible to raise three or four companies in the Territory for this service, I have to request your excellency may be pleased to have them organized. I should be glad to get two companies of Cavalry and two of Infantry, the mounted troops to furnish their own horses and equipment. Arms, ammunition, etc., will be furnished by the United States. Should your excellency consider it improbable that this volunteer force can be raised, even one company will be accepted. I will send a plan of organization and an officer with the necessary instructions for mustering them into the service."

While correspondence was in progress the following telegram was transmitted:

HEADQUARTERS OF THE ARMY,
*Washington, D. C., April 15, 1863.*

Brig. Gen. G. WRIGHT,
*San Francisco, Calif.:*

The Secretary of War authorizes you to raise additional regiments in California and Nevada to reenforce General Conner and protect the overland route. Can not companies be raised in Nevada and pushed forward immediately? General Conner may be able to raise some companies in Utah or out of emigrant trains.

H. W. HALLECK, *General in Chief.*

General Wright the following day, April 16, 1863, addressed a second and more urgent appeal to the governor, in all material parts, as follows:

"The Indian disturbances along the line of the overland mail route, east of Carson City, threaten the entire suspension of our mail facilities, as well as preventing any portion of the vast immigration approaching from the east reaching Nevada * * *. My force immediately available for operation on that line is small * * *. Some infantry companies will be thrown forward from this side of the mountains as soon as transportation can be prepared and the roads are in order. In the meantime it is of such importance to keep the mail and emigrant route east of you open that I would earnestly recommend that one or two companies of cavalry be promptly organized and prepared for muster into the service of the United States. It is impossible for us at this moment to purchase horses and equipments. Each man would have to furnish his own. I can furnish arms, ammunition, forage, clothing, provisions, etc.; in fact, everything except horses and equipments. * * * This is the first appeal that has been made to Nevada Territory * * *." (Hearings on S. J. Res. 41, 70th Cong.)

FOUR COMPANIES RECRUITED

The response was a proclamation of the Governor of the Territory eight days later, calling for volunteers to serve three years or during the war.

Four companies of cavalry were recruited and mustered into the service, of which two were stationed at Fort Churchill, Nev., the others sent to Fort Douglas, Utah.

SECOND CALL FOR TROOPS

The latter part of November following General Wright requisitioned the Territory "under authority conferred upon me by the War Department" (see letter Brigadier General Wright to Adjutant General, U. S. Army, December 22, 1863) for "one regiment of infantry and two more companies of cavalry."

December 4, 1863, a second proclamation of the governor was issued calling for volunteers.

TREASURY DEPARTMENT ORDER OF FEBRUARY 9, 1863

The four companies of cavalry enlisted under the first call, despite delay in securing horses and equipment at the soldiers' expense, had been recruited and mustered in the service in a few months.

Under the second call, however, so little progress was made in securing volunteers that by February it was clear only a small part of the quota could be enlisted without remedial action by the Territorial Assembly.

The situation arose from an order of the Treasury Department, dated February 9, 1863, instructing the Assistant Treasurer of the United States at San Francisco that—

"checks of disbursing officers must be paid in United States notes." (See letter of Deputy Paymaster Gen. George H. Riggold, February 13, 1863.)

Up to this time troops and marines of the Department of the Pacific had been paid in coin.

It is pertinent to remark that the subtreasury at San Francisco held a vast amount of gold and silver, product largely of the mines of California and Nevada. Also, that in the same month as the departmental order the price of gold in Treasury notes on the New York Stock Exchange (February 28, 1863) touched 170.

EFFECT OF THE ORDER ON SOLDIERS' PAY

The effect of this order on the troops of the Department of the Pacific as well on further recruiting may be gathered from a recital of certain conditions, as follows:

First. That during the entire period of the Civil War and subsequently, the only money in circulation or common usage on the Pacific coast was gold and silver coin; all transactions, obligations, prices, salaries, wage, and services being stated therein.

Second. The greater part of all manufactured commodities were imported; with the interruption of ocean transportation as stocks on hand diminished, prices rose accordingly.

Third. In the Territory of Nevada such condition was accentuated by the fact that nearly everything used or consumed, apart from lumber, fuel, beef, and hay, had to be freighted over the Sierra Nevada Mountains, blocked from December to May by snow, in mule trains, the distance from Saramento ranging from 200 to 450 miles. Freight costs per ton to Virginia City approximated $80, and correspondingly higher to other mining towns. From Leavenworth, Kans., freight approximated $800 per ton. A bushel of corn shipped from Leavenworth, Kans., to Salt Lake City cost $17. (Rept. Secretary of War 1865–66, pt. 1, pp. 23–112. Also report of General Halleck to Secretary of War, War Dept. Rept., 1866, pp. 31–32.) The range of prices of necessities in Nevada, 1861–1865, gold valuation, was from 50 to 100 per cent higher than the corresponding currency prices east of the Missouri River.

Finally. Treasury notes in regions remote from San Francisco could not be used as money except at an extortionate discount below the current New York quotations.

March 16, 1863, General Wright, commander of the Department of the Pacific, transmitted to The Adjutant General of the United States Army a letter of Major Drew, commandant at Fort Baker, Oreg., containing an explicit statement of the effects of, and a formal protest against, paying his men in greenbacks, to which General Wright added his own indorsement, saying:

"The difficulties and embarrassments enumerated in the major's communication are common to all the troops in this department, and I must seriously ask the consideration of the general-in-chief and of the War Department to this subject" * * *.

SITUATION IN NEVADA

The four companies of Nevada Cavalry had been raised before the Treasury order of February 9, 1863, had become generally known or its effects understood. Troops in the outlying districts were not paid with any regularity, frequently being months in arrears, and this appears to have been the case in Nevada.

When the governor's second proclamation was issued, however, the situation was well known. Pure patriotism alone could induce men to accept $13 per month Army pay, when choice required the relinquishment of fortune-seeking or employment at from $4 to $10 daily wage in gold. When the soldier's pay was cut by departmental order to the equivalent of about $6 per month, payable in Treasury notes having no currency on the Pacific coast, justice and fair play required some character of relief be granted to help the volunteers to meet the high cost of living.

THE TERRITORIAL VOLUNTEERS ACT

February 20, 1864, an act of the Territorial Assembly of Nevada was approved, entitled:

"An act to encourage enlistments and give bounties and extra pay to our volunteer soldiers." (Nev. Ter. Laws, p. 81.)

The Territorial volunteers act provided, in all material particulars, as follows:

"Bounties, so called, were authorized to be paid to captains or commanding officers of companies of $10 in gold per capita per recruit enlisted and mustered into the service of the United States in lieu.

"Extra pay, so called, was authorized to be paid volunteer troops, officers, and soldiers of $5 per month in gold during the period of service; first settlement at the expiration of one year, unless sooner

terminated by death or honorable discharge; final settlement at the termination of enlistment or muster out.

"To provide the moneys therefor a soldiers' fund of $100,000 was created; bonds in that amount to bear 10 per cent interest authorized to be issued and sold and an annual tax of 25 cents on each $100 taxable property levied to meet the debt."

THIRD CALL FOR TROOPS

The effect of the Territorial volunteers act is shown in the muster rolls. The exigencies of the Government in protecting the Overland Trail had become so acute that in October, 1864, Gen. Irwin McDowell, then commander of the Department of the Pacific, removed his headquarters to Virginia City, Nevada Territory, and on the 13th requisitioned the Territory "under authority of the Secretary of War," to complete the organization of a regiment of cavalry and one of infantry. About the end of the year Nevada had recruited a total of six companies of cavalry and three of infantry, aggregating 1,180 men. These troops were actively engaged, 1864 to 1866, in Nevada, Utah, Wyoming, Colorado, Nebraska, and Kansas. (Hearings on S. J. Res. 41, 70th Cong.)

NEVADA ADMITTED AS A STATE

Eight months after the passage of the Territorial volunteers act (October 31, 1864), Nevada was admitted into the Union. The State constitution provided that all laws of the Territory not repugnant to its provisions were continued in full effect until modified or repealed by the State legislature. The Territorial debt and obligations were assumed and authorized to be carried separately from and independent of the limitations governing the State debt proper.

The soldier's fund bonds had proved unsalable, and the burden of meeting the liabilities accrued and accruing under the Territorial volunteers act devolved upon the State.

The State legislature authorized the issue and sale of $150,000 bonds bearing 2 per cent per month interest. It was out of the proceeds of this issue that the State met the first accrued claims of the Territorial volunteers. Twenty-four per cent interest to raise funds in 1865, 18 per cent in 1866, and 15 per cent in 1867 to 1872 (not to mention 9½ per cent 1872 to 1879), were the prices Nevada paid for statehood.

STATEHOOD ASSUMED FROM LOYALTY

It is pertinent at this point to mention that Nevada assumed the burden of statehood at the invitation of the United States, persuaded from loyalty to do what its sound judgment had rejected. For in the year 1864, on the 19th day of January, the people of the Territory overwhelming defeated a proposed State constitution and application for admission as a State. On March 21 following the Congress of the United States, notwithstanding such rejection, passed an enabling act inviting Nevada into the Union. An additional State was required to insure the adoption of the thirteenth amendment and the choice of President Lincoln was Nevada. (See Recollections of the Civil War, by Charles A. Dana, Assistant Secretary of War, Lincoln's administration p. 174.) (Senate Hearings on S. J. Res. 41, 70th Cong.)

STATE VOLUNTEERS ACT

The Territorial volunteers act had made provision partially to equalize the soldier's pay on account of the abnormal prices prevailing, but had not provided for any additional pay to officers in excess of that allowed volunteers in general. Public sentiment in Nevada in favor of doing justice became strongly urgent that some measure of relief should be given the Nevada volunteer officers.

The State legislature then being in session and considering the matter of such relief, on March 8, 1865, the commander of the Department of the Pacific wrote the Governor of Nevada concerning the progress made in recruiting and recommending additional pay to volunteers.

It was the receipt of this letter which caused the legislature to pass the State volunteers act of March 11, 1865, continuing the provisions of the Territorial volunteers act of February 20, 1864, notwithstanding the veto of the governor (Blaisdell).

NEVADA'S EXPENDITURES TO PROTECT THE OVERLAND TRAIL

The liabilities assumed by the State of Nevada as successor to the Territory of Nevada and honorably fulfilled cost the State, as shown by the official reports, the principal sum of $119,800.12, of which $109,048.53 were for so-called bounties and extra pay, no part of which has ever been reimbursed.

Of the remainder of said amount of $119,800.12, $8,559.61 was reimbursed the State as of April 10, 1888, leaving unreimbursed the further amount of $2,191.98. The items of this latter portion of the principal sum comprise salary and expenses of the adjutant general of Nevada and of his office from the date of the official close of the war to the final muster out in 1866 of the last contingent of Nevada volunteers. Inasmuch as the adjutant general of Nevada was the officer designated under the Territorial volunteers act and subsequent State volunteers act to audit the claims of officers and soldiers for bounty and extra pay, such unreimbursed expenditures accrued in consequence of said Territorial volunteers act and are properly inclusive within its force and legal authorization.

It is established by the reports of the successive State comptrollers of Nevada and the statutes of the State that from February 10, 1865, to the present time Nevada has carried said principal sum as a Territorial debt and paid interest thereon, and that of the interest so paid but $12,283.04 (settlement of July 1, 1910) has been reimbursed the State, leaving the net balance due the State of Nevada, as reported by the Comptroller General on January 26, 1929 (S. Doc. 210, 70th Cong.), of the sum of $595.076.53.

REIMBURSEMENT BEFORE PREVIOUS CONGRESSES

Misconception of fact and law at the foundation of the Nevada Civil War expenditures for the benefit of the Government has hitherto deferred settlement.

The assumption has been in error that reimbursement accrued only as an obligation of the Government under the act of Congress of July 27, 1861.

It accrued instead under an act of the Legislative Assembly and Governor of the Territory of Nevada, subsequently approved and ratified by the Congress of the United States, and the legal, equitable, and moral commitment of the United States to its settlement rests solely thereon. Hence reimbursement, in its controlling aspects, was not before the Court of Claims nor adjudicated in its decision of March 14, 1910, all of which will hereinafter be conclusively shown.

No valid understanding of the unprecedented nature of Nevada's disbursements for the benefit of the United States can be had apart from review, such as hereinbefore presented, of its geographic, economic, and historical setting and the controlling circumstances of time and locality.

The expenditures of Nevada were exhaustively investigated by committees of the two Houses of the Fiftieth, Fifty-first, Fifty-second, Fifty-fourth, and Fifty-sixth Congresses and favorably reported for settlement by direct appropriation, the Senate invariably passing the bills, but such bills failed from one cause or another in the House.

The special nature of the expenditures was then recognized but until after the Fifty-sixth Congress there had been no decisions of the Supreme Court of the United States under which its legal authorization by Congress and the commitment of the Government to its indemnification could be defined.

The equitable and moral validity of reimbursement, however, was attested by those best informed on its character and merits, as shown by the following extracts from the CONGRESSIONAL RECORD (56th Cong., 1st sess., vol. 33, pt. 7, p. 6278):

"Senator Hawley, of Connecticut, chairman Committee on Military Affairs: 'There is no sort of question of its justice.'

"Senator Eugene Hale, of Maine, ranking member Committee on Appropriations: 'The Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass.'

"Senator Teller, of Colorado, chairman Committee on Claims: 'If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds.' (Hearings on S. J. Res. 41, 70th Cong.)"

Nevertheless, after the lapse of many years, Nevada yet carries the debt so incurred, the benefits of which accrued to the imperiled Union and the burden of which fell on the State. And at a cost then and since to its sparse population in excess of half a million dollars.

The set-offs thereto are one of $8,559.61 applicable to the principal sum, and the other of $12,283.04 as interest thereon, both of which items with interest from time of payment to date have been credited to the United States in the report of the Comproller General dated January 26, 1929. (S. Doc. No. 210, 70th Cong., 2d sess.)

REIMBURSEMENT OF NEVADA BEFORE THE DEPARTMENTS

On November 1, 1882, pursuant to the act of June 27, 1882 (22 Stat. 111), the State of Nevada transmitted to the authorities of the Government a statement of the aforesaid expenditures accompanied with the original vouchers and other evidence of every kind then in her possession. It was not until four years later that provision was made for the detail of a board of three Army officers under Special Orders, No. 232, dated October 6, 1886, to examine and report on said expenditures. The board in 1887 submitted majority and minority reports; the latter allowed $8,559.61 of such expenditures, which amount was approved and paid the State on April 10, 1888. The particular differences in the allowances of the two reports related to the salary of the adjutant general of Nevada and expenses of his office, the minority report terminating it as of August 20, 1866, the official date of the end of the war, instead of December 31 following, as approved by the majority, when its affairs were wound up and the office terminated.

The audit of the board discovered a double charge for rent of $38.33 which the State had paid, no other errors or improper items being found in the disbursements.

SO-CALLED BOUNTIES AND EXTRA PAY

As hitherto stated, up to that time there had been no decisions of the Supreme Court of the United States under which any legal commitment of the Government to reimburse the Nevada Territorial expenditures, as distinguished from the expenditures of other States and Territories, could be established; hence reimbursement of Nevada was

included under the act of June 27, 1882, supra, with those of Texas, Colorado, Oregon, Nebraska, California, and Kansas for Civil War and Indian war expenditures. The act was general in its provisions for the entire section embraced, and among other things provided:

"SEC. 2. That no higher rate shall be allowed for the services of said forces, and for supplies, transportation, and other expenses, than was allowed and paid by the United States for similar services in the same grade and for the same time in the United States Army serving in said States and Territories. * * *"

With respect to Nevada Territory, it is pertinent to remark that there was no United States Army in the Territory or State when the Nevada expenditures were made, except as comprised the Nevada volunteers.

The provisions of the foregoing act, moveover, were construed by the department in connection with the act of July 27, 1861 (12 Stat. 276), and the Chase regulations governing its provisions, particularly in the following:

"III. Personal expenses of commissioned officers in recruiting their companies prior to their being mustered into the service will not be allowed; but commissioned officers may be allowed the same rates for subsistence and quarters (board and lodgings) as privates from the date of enrollment until muster into the service * * *.

"VIII. Bounties or donations to men or their families to induce men to volunteer will not be recognized * * *."

REPORT OF WAR CLAIMS EXAMINERS

The report of the war claims examiners contains the following statements relative to bounties and extra pay as allowed and paid by Nevada:

"The bounty was paid to captains for expenses incurred by them in enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service, in lieu thereof, as is shown by the fact that no other bills are presented for those expenses, and, under the circumstances, this expense was economical; but this claim having been submitted by the State of Nevada as a premium or bounty, the examiners are debarred from considering it, as, under the second section of the act of 1882, no higher rate can be allowed than was paid by the United States, which was $2 per enlistment.

* * * * * * *

"Prices of commodities of every kind were extravagantly high during the war period in Nevada, which depended for the transportation of its supplies upon wagon roads across mountain ranges that were impassable for six months of every year; and at certain times, at least, during the said period the rich yields of newly opened mines produced an extraordinary demand for labor, largely increasing wages and salaries. These high prices of commodities and services were consistent with, though in their causes independent of, the depreciation of the Treasury notes, which did not pass current in that section of the country, though accepted through necessity by the troops serving there; and it is safe to say that in Nevada the soldier could buy no more with a gold dollar than could the soldier serving in the Eastern States with the greenback or paper dollar.

"On the whole, therefore, we are decided in the conviction that in granting them this extra compensation the legislature was mainly instigated by a desire to do a plain act of justice to the United States Volunteers raised in the State and performing as arduous frontier service, by placing them on the same footing, as regards compensation, with the great mass of the officers and soldiers of the United States Army serving east of the Rocky Mountains. * * * But the fact remains that the declared purpose of the monthly allowance was to give a compensation to the Nevada Volunteers, and that when measured by the current prices of the country in which they were serving their compensation from all sources did not exceed, if indeed it was equal to, the value of the money received as pay by the troops stationed elsewhere—i. e., outside of the Department of the Pacific." (S. Rept. No. 433, 70th Cong., 1st sess.)

Nevertheless, because the Territory of Nevada had used the words "bounty" and "extra pay" in the statute under which it had reimbursed officers the costs of recruiting in lieu thereof and did a "plain act of justice" to its volunteers, all but a small fraction of its expenditures made for the benefit of the United States was rejected on such technical ground.

REIMBURSEMENT BEFORE THE COURT OF CLAIMS

The act of Congress of May 27, 1902 (32 Stat. 235), making appropriation for the payment of certain claims, among other things, provided:

"That the claim of the State of Nevada for costs, charges, and expenses properly incurred by the Territory of Nevada * * * under the act of Congress of July 27, 1861 (12 Stat. 276), and joint resolution of March 8, 1862 (12 Stat. 615), as interpreted and applied by the Supreme Court of the United States in * * * New York against the United States, decided January 6, 1896 (160 U. S. 598), not hitherto allowed or hitherto disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and, if deemed necessary, shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers."

The particular force of the New York decision referred to was to declare interest paid by a State on moneys borrowed for the benefit of the United States was an expenditure "properly incurred" within the meaning of the acts of 1861 and 1862.

The controversial questions of fact and law submitted to the Court of Claims for determination amounted to these: (1) What classes of expenditures should be allowed the State of Nevada, and (2) what interest charges are allowable?

The court in its opinion (45 Ct. Cl. 279) specifically states:

"The sole question of law before the court is whether the expenditures for which claim is made by the State were 'properly incurred' within the meaning of the acts of 1861 and 1862.

"The question of the good faith of the State in incurring the expenditures for which it now claims reimbursement; the question of the pressing need of the State for troops during the period of the Civil War; the duty of the United States to provide for the common defense, and the benefits which may have accrued to them from troops raised in Nevada to aid in protecting the Pacific coast may all be conceded without enlarging the liability of the United States under the acts of 1861 and 1862."

That the State may have an equitable claim against the United States was conceded (p. 285, supra):

"That laws enacted * * * at the instance of the officer commanding the military department of the Pacific to provide funds with which to meet the expense of Volunteers was quite natural and commendable under the conditions existing * * * and may give rise to some equity in favor of the claim; but that can have no legal force in the construction of the act of 1861 * * * but where there is a law, equity must follow, and hence we are called upon to determine, not the equities of the claim, but the controverted questions of law."

The court upheld the rules promulgated by Secretary Chase as governing the construction of the act of 1861. As all but $8,559.61 of the claim had been disallowed in 1887 under such rules as hereinbefore set forth, the sole effect of the decision was the allowance of interest on $8,559.61, amounting to $12,283.04, which was paid the State July 1, 1910.

That portion of the opinion which held that—

"Whatever valid claim exists in favor of the State of Nevada for reimbursement for moneys expended in raising troops to aid in suppressing the rebellion accrued, if at all, under the act of July 27, 1861"—

is obiter dicta; no question having been submitted, nor was within the jurisdiction of the court to hear and determine under the statute submitting the claim, as to any liability of the United States in the premises other than as accrued under the acts of 1861 and 1862.

ACTS OF 1861 AND 1862 NOT APPLICABLE

The acts of 1861 and 1862 specifically applied to States in their sovereign capacities and were not intended to nor did they apply to the Territories, which were under the direct authority of Congress. The act of Congress of July 27, 1861 (as amended by the joint resolution of March 8, 1862), in all pertinent provisions provided as follows:

"*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed * * * to pay to the governor of any State * * * the cost, charges, and expenses properly incurred by such State for enrolling * * * paying and transporting its troops employed in aiding the United States * * *." (12 Stat. 276.)

The radical distinction in relationship to the General Government of the States and Territories precludes any construction that said act applied, or was intended to apply, to the Territories.

"The State is a sovereign having no derivative powers, exercising its sovereignty by divine right. It gets none of its powers from the General Government. It has bound itself by compact with the other sovereign States not to exercise certain of its sovereign rights, and has conceded these to the Union, but in every other respect it retains its sovereignty which existed anterior to and independent of the Union. (Lowenstein *v.* Evans, 69 Fed. 908.)

"See also New Hampshire *v.* Louisiana, 108 U. S. 76; Ohio L. Ins., etc., Co. *v.* DeBolt, 16 How. 416; Spooner *v.* McConnell, 22 Fed. Cases No. 13245."

As contradistinguished from this reserved, unconceded sovereignty of the States, Chief Justice Waite, in the case of Brunswick First National Bank *v.* Yankton County (Dakota Territory, 1880) (101 U. S. 129), held:

"All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States except such as have been expressly or by implication reserved in the prohibitions of the Constitution."

In the more recent opinion, in the case of Christensen *v.* King County (Wash.) (239 U. S. 356), the Supreme Court stated:

"There is, of course, no dispute as to the sovereignty of the United States over the Territory of Washington or as to the consequent control of Congress. As an organized political division the Territory possessed only the powers which Congress had conferred. * * *

"See also Ex parte Morgan (Ark. 1883) (20 Fed. 208); Murphy *v.* Ramsey (Utah, 1885) (114 U. S. 15); Church of Jesus Christ *v.* U. S. (Utah, 1890 (136 U. S. 1); U. S. *v.* McMillan (Utah, 1897) (165 U. S. 604)."

It was not until October 31, 1864, date of Nevada's admission into the Union, that the acts of 1861 and 1862 were made applicable by the express provisions of section 11 of the enabling act of Congress of March 21, 1864—

"That from and after the admission of the said State of Nevada into the Union, in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within said State as elsewhere within the United States."

Prior thereto, on February 20, 1864, the Territory had passed the act under which the expenditures here in question were made.

LEGAL, EQUITABLE, AND MORAL BASIS OF REIMBURSEMENT

The question of the legal, equitable, and moral liability of the United States in the premises resolves primarily into what congressional authorization, approval, or ratification, if any, attaches to the Territorial volunteers act and so invests it with a status different from that of an ordinary act of a Territorial assembly or the similar acts of States.

ACT RATIFIED BY CONGRESS

The organic act of the Territory of Nevada, approved March 2, 1861, required (sec. 3) that copies of the laws and proceedings of the legislative assembly and governor be transmitted to the President and the Congress of the United States. It appears from the following section of the Revised Law of the United States (1878):

"SEC. 1850. All laws passed by the legislative assembly and governor of any Territory except the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming shall be submitted to Congress and, if disapproved, shall be null and void—"

that the only other Territories during the period 1861–1865 subject to this requirement were Nevada, New Mexico, Arizona, Washington, and Utah.

The Nevada Territorial volunteers act was duly transmitted and laid before the two Houses of Congress. (House Journal No. 62, 38th Cong., 2d sess., 1864–65, p. 7.)

Congress having the authority—and in respect to another act of the Territorial Assembly of Nevada, relating to corporations (12 Stat. 709), having exercised such authority—to disapprove and annul all or any portion of said act and not so doing, but allowing said act to stand, thereby approved and, in the premises, ratified said act as the act of the Territory of Nevada under authority of the United States; and is estopped from denying reimbursement. (Sowers case, 213 U. S. 5.)

The Territorial volunteers act was not an ordinary, but instead an extraordinary, act of the Legislative Assembly and Governor of the Territory of Nevada. It was not related to, but disassociated from, the ordinary subjects of Territorial legislation. It was, in effect, the assumption of an obligation of the Government of the United States and not of its own, in order to aid and assist the Government in an exigency with which the Government was unprepared to meet and cope. The Territory of Nevada was its primary resource, as hitherto shown, and acted only on urgent requisitions transmitted through the commander of the Department of the Pacific on behalf of the Secretary of War.

TERRITORIAL VOLUNTEERS ACT GOVERNS

The acts of 1861 and 1862, supra, not having been extended or made applicable to Nevada Territory, the Territorial volunteers act, as so approved and ratified by the Congress of the United States, became the governing law in the premises, to wit: An act of the Territory of Nevada under authority of the United States.

On this point the Supreme Court of the United States in the case of McLean *v.* D. & R. G. R. R. Co. (203 U. S. p. 38) held:

"The right to legislate in the Territories is conferred under constitutional authority by the Congress of the United States and the passage of a Territorial law is the exertion of an authority exercised under the United States."

In the case of Atchison, Topeka & Santa Fe Railway Co. *v.* Sowers (213 U. S. 5) the Supreme Court reaffirmed the decision in the McLean case and stated:

"The passage of a legislative act of a Territory is the exercise of authority under the United States."

The force of the Nevada Territorial volunteers act did not terminate with the admission of Nevada as a State. Section 2 of article 17 of its constitution, as approved by President Lincoln under authority, and "without further action whatever on the part of Congress" (Nevada enabling act of March 21, 1864), provided:

"SEC. 2. All laws of the Territory of Nevada at the time of the admission of this State, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the legislature."

On March 11, 1865, for reasons hereinbefore stated, the State Legislature of Nevada passed an act, notwithstanding the veto of the governor, repealing and simultaneously reenacting the provisions of the Territorial volunteers act; the sole material change being an increase of extra pay to officers according to rank and so equating their compensation on substantially the same basis relatively as allowed the soldiers; the relief made retroactive to cover the period of service.

"The repeal and simultaneously reenactment of substantially the same statutory provisions is to be construed not as an implied repeal of the original statute but as a continuation thereof." (36 Cyc. 1084.)

Federal and State decisions supporting the above text are so uniform and voluminous that it has become an accepted principle of law.

The State of Nevada having been in honor bound to assume the liabilities accrued and accruing under the Territorial volunteers act, and the Congress of the United States having approved such assumption, the State is entitled to the full benefit of the Territorial volunteers act as the governing law defining the liability of the United States in the premises. It would therefore now appear that Congress inadvertently specified the act of 1861 applying to States only instead of the Nevada Territorial act under which the expenditures were made in the reference of the Nevada case to the Court of Claims.

ADJUSTMENT OF OFFICERS' PAY

The only portion of the unreimbursed principal sum of the expenditures made by the State of Nevada which did not accrue under the original provisions of the Territorial volunteers act was the increased allowance to officers by the State's amendment of March 11, 1865, the amount of which is comparatively small.

On the foregoing date the following state of facts obtained:

No premonition that the Civil War would speedily end.

The exigency of the Government for troops to protect the Overland Trail continuing and Nevada its primary recourse.

The third requisition of the Secretary of War upon Nevada to complete the recruiting of a regiment of cavalry and one of infantry still lacking, respectively, four and seven companies to complete the quota.

Recruiting halted by the fact that men suitable for officers were needed both for the service and to recruit the men they were to command and who were unable, on account of the high cost of living, to make the sacrifice without some assistance.

Under these circumstances the State legislature, on March 11, 1865, had the right to rely on the Territorial volunteers act as governing in the premises, and that the approval by Congress of said Territorial act sanctioned the granting of extra pay to Nevada volunteers in the exigency presented.

Moreover, Nevada, in responding to the urgent requisitions of the War Department to recruit troops to protect the Overland Trail, had acted and still was acting, for and in behalf of the United States as principal. In the agency so undertaken, the situation being remote, the conditions being extraordinary, and the emergency one of national concern, it was expected to act in concurrence with the recommendations of the commander of the Department of the Pacific, as seemed best to accomplish the ends for which the agency was imposed.

Nevada so acted by amending the Territorial volunteers act as stated, and which action was necessary, proper, and indispensable in the premises and the authority for which was the Territorial volunteers act itself and the continuation of the exigency which had caused its sanction by Congress.

The rule of agency as expressed in Story on Agency is applicable:

"Whether the authority be expressed or implied it necessarily carries with it or includes in it as an incident, all the powers which are necessary or proper or usual as means to effectuate the purposes for which the agency was created."

The leading case defining the authority of an agent in an emergency is that of Forrestier *v.* Bordman. (9th Fed. Case 4945, also 1 Story, 43.) The principal laid down therein has since threaded all American jurisprudence. If we substitute the word "agent" for "supercargo" and "principal" for "owner" as used by Justice Story in the decision, the governing rule is as follows:

"An agent is not bound to observe the exact terms of his instructions if thereby the interests of the principal would be sacrificed or his objects frustrated.

"In cases of necessity or great urgency it is only necessary that the agent should act bona fide and with reasonable discretion in order to bind the principal."

In United States *v.* Sheridan-Kirk Contract Co. (149 Fed. 809), the court held that when the emergency passes the privilege ceases.

On March 11, 1865, neither the emergency situation along the Overland Trail nor the exigency of the United States for troops to protect it had passed. The Legislature of Nevada was not bound to observe the exact terms of the Territorial volunteers act if thereby the interests of the United States would be sacrificed or its objects

frustrated. It was only necessary that it should act in good faith and with reasonable discretion.

That it acted in good faith and with reasonable discretion has never been questioned. Moreover, it so acted at the express suggestion of the chief military officer of the United States in the region of the emergency, the commander of the Department of the Pacific (letter of March 8, 1865), and not independently of, nor contrary to, his recommendations.

The opinion of the Supreme Court of the United States in Miners' Bank case, cited by the court in the Atchison *v.* Sowers case, supra, is very pursuasive. From the opinion written by Mr. Justice Daniel, we quote the following excerpt:

"Congress, in creating the Territorial governments, and in conferring upon them powers of general legislation, did not, from obvious principles of policy and necessity, ordain a suspension of all acts proceeding from those powers until expressly sanctioned by themselves, whilst, for considerations equally strong, they reserved the power of disapproving or annulling such acts of Territorial legislation as might be deemed detrimental. A different system of procedure would have been fatal to all practical improvement in those territories, however urgently called for; nay, might have disarmed them of the very power of self-preservation. An invasion or insurrection or any other crisis demanding the most strenuous action would have had to remain without preventive or remedy 'till the Congress, if not in session, could be convened, or, when in session, must have awaited its possibly procrastinated aid.'" (Miners' Bank *v.* State of Iowa, 12 How. 8; 19 U. S. 6.)

Applying the foregoing statements to the actual conditions existing in the Territory of Nevada at the time the debt in question was contracted by the Territorial legislature solely for the benefit of the United States—a vast desert region, sparsely populated, shut off from the rest of the Nation by impassable mountain barriers, both to the east and the west, for practically six months of each year; an Indian uprising which lasted for many years which, according to the commanding general of the Pacific, threatened the entire closure of communication with the Pacific coast—the action of the Territorial legislature under these circumstances was directly in accordance with the powers by it possessed, as stated by the Supreme Court in the Miners' Bank case rendered in 1861, such action receiving the approval of Congress.

LIABILITY OF THE UNITED STATES

The legal liability of the United States rests on the following grounds: (1) By approving said Territorial act of February 20, 1864, providing extra pay, Congress accepted said act as a modification of the act of 1861 and the regulations made thereunder, so far as Nevada alone was concerned, and thereby made such extra pay here in dispute valid. (2) It is proven that such extra pay was made by the Territory of Nevada avowedly for the benefit of the United States alone with the approval of Congress; and as stated by the Supreme Court such Territorial act was the exercise of the authority of the United States. (3) Congress is estopped from denying just reimbursement.

The moral liability of the United States rests on the fact that its sparse people struggled to build a Commonwealth upon a desert, burdened themselves with the cost of statehood and debt to serve the Union in its exigencies at its urgent call.

The Supreme Court of the United States in United States *v.* Realty Co. (163 U. S. 427) said:

"That the case as presented to Congress was enough upon which to base the assertion that there was a moral and honorable claim upon the Public Treasury which that body had the constitutional right to recognize and pay; that even though in its purely legal aspects an invalid law could not be made the basis of a legal claim, the planter had acquired a claim against the Government of an 'equitable, moral, or honorable nature'; that the Nation, speaking broadly, owed a 'debt' to an individual when his claim grew out of right and justice—when, in other words, it was based upon considerations of a moral or merely honorary nature."

Reimbursement in accordance with the account stated by the Comptroller General in Senate Document No. 210, Seventieth Congress, second session, is strongly based on "right and justice," as the State of Nevada is not asking Congress to appropriate a dollar she has not actually expended for the benefit of the United States.

Mr. ODDIE. The statement of the Comptroller General shows that the money is due the State of Nevada from the United States.

Mr. President, under the rules it can not be said that this reimbursement of a sovereign State for the money it actually expended for the benefit of the United States on an implied contract of repayment, as found by the Comptroller General, is a private claim. It does not come under the category of private claims.

Rule XVI states:

All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate.

This resolution passed the Senate at this session, and comes under this rule that I have just read, and the bill itself passed the Senate a few days ago.

This amendment has been reported favorably by a standing committee of the Senate, the Judiciary Committee, and is for money that the State of Nevada actually expended during the Civil War in combating the Indians in that western country who were attacking the United States mail and overland traffic. They were a serious menace, and it was necessary that the Overland Trail be kept open; and the only way in which it could be kept open was by raising troops in Nevada under great difficulties, because the population was small and the people were undergoing hardships and difficulties. This was requested by the commanding officers of the Army of the United States. Nevada was a Territory at that time. This action of the Territory was later approved by the Congress of the United States.

Mr. President, I hope this amendment will go through. I now introduce the amendment and ask to have it read.

The PRESIDING OFFICER. The amendment offered by the Senator from Nevada will be stated.

The CHIEF CLERK. On page 100, after line 16, it is proposed to insert the following:

To reimburse the State of Nevada the net balance due as certified by the Comptroller General of the United States January 26, 1929, and printed in Senate Document No. 210, Seventieth Congress, second session, the sum of $595,076.53.

Mr. WARREN. Mr. President, I am very sorry that we can not always do as we should like to do for Senators associated with us; but for a great many years we have been bound to observe the rule that claims can not go on deficiency bills, so I shall have to make the point of order against the amendment. I shall be very glad to help otherwise in any way that I can; but the amendment can not go on this bill.

Mr. ODDIE. Mr. President, I respect very much the opinion of the Senator regarding claims; but, as I have stated, this does not come under the head of a claim. It is a reimbursement of a sovereign State for money it actually expended for the benefit of the United States on an implied contract of repayment as found by the Comptroller General, to which I have referred.

I hope this amendment will be adopted. It is a just claim if there ever was a just claim before the United States Senate. There are numbers of precedents which will permit favorable action on this amendment, but, because of the limitation of time for each amendment under the agreement, I can not go into them and the leading arguments in favor of it at this time.

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair, in ruling upon the point of order, will remind the Senate that there is a clear distinction between public and private claims—so much so that in the other body there are two different calendars, one known as the Private Calendar and the other the Union Calendar. The Chair will declare that this claim is a private claim, and therefore is out of order.

Mr. ODDIE. Mr. President, I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Nevada appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question]. The ayes have it, and the decision of the Chair is sustained.

Mr. ODDIE. Mr. President, I ask for a roll call on the appeal.

The PRESIDING OFFICER. The Senator from Nevada demands the yeas and nays. Is there a second?

The yeas and nays were not ordered.

Mr. WARREN. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 213, strike out lines 20, 21, and 22, in the following words:

SHORT TITLE

This act may be cited as the "deficiency act, fiscal year 1929."

The amendment was agreed to.

Mr. BLACK. Mr. President, I send to the desk an amendment to the pending bill and call the attention of the Senator from Pennsylvania [Mr. REED] to it.

The PRESIDING OFFICER. The amendment offered by the Senator from Alabama will be stated.

The CHIEF CLERK. On page 102, after line 19, it is proposed to insert:

The sums of $308,036 and $39,500, appropriated for technical construction for Air Corps, Army, in the War Department appropriation act for the fiscal year 1929, are hereby made available for expenditure for improvement of landing field at Selfridge Field, Mich., $125,000, and Shreveport, La., $50,000; school building, $100,000, and noncommissioned officers' quarters, $42,000, at Maxwell Field, Ala.; moving and reerecting technical buildings, $15,000, at Boston Airport, East Boston, Mass.; night-flying lighting system, $3,775, and runways, $10,775, at Fort Crockett, Tex.; authorized in the act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved February 29. (Acts of March 23, 1928, vol. 45, pp. 334–337.)

Mr. REED of Pennsylvania. Mr. President, this is merely a transfer from already authorized appropriations.

I have examined this amendment at the suggestion of the Senator from Alabama. It is in strict accordance with the recommendations of the War Department. It does not call for the appropriation of any new money, but merely provides for the transfer of existing appropriations, which it is believed by the department can be more advantageously spent at the points indicated in the amendment than at the other places originally designed.

The War Department did recommend a transfer from Chanute Field, Ill.; but in line with the assurance that I gave to the Senators from Illinois when Scott Field was under consideration, I have asked the Senator from Alabama not to include any transfer from that field.

Mr. BINGHAM. Mr. President, will the Senator tell us what fields are affected?

Mr. FLETCHER. Mr. President, may I make an inquiry? Have we not provided for all these improvements and extensions and that sort of thing? We have passed bill after bill about these different posts and stations. I thought they had already been taken care of.

Mr. REED of Pennsylvania. Mr. President, at the time the housing bill was being reported the Secretary of War sent me a letter, dated January 22, 1929, which is printed in our report on the housing bill, and that explains the need of each of the transfers accomplished by the amendment of the Senator from Alabama. This is in strict accordance with our action on the housing bill last month.

Mr. BLACK. Mr. President, will the Senator yield for just one additional statement? It is in accordance with it except that it does not include all of the appropriations that the War Department recommended; only about one-third of them.

Mr. REED of Pennsylvania. No.

Mr. BLACK. Only about one-third.

Mr. REED of Pennsylvania. As I have explained, some of the transfers have not yet been made, but this was described in our report on the housing bill, and the necessity for it shown at the time.

Mr. BINGHAM. Mr. President, will not the Senator tell us just what fields are being given up and transferred to this new improvement?

Mr. REED of Pennsylvania. I do not know that I can give the complete list that goes into this aggregate, but I can give enough illustrations to show the Senate what is planned.

At Fort Crockett, Tex., a dope and paint house had been provided for. At the time the money was appropriated for that, it was felt that it was urgently needed. They find that they are having trouble with the runways there, and to develop that field might run us into the expenditure of far more money than we ever designed, so probably the money will never be spent there, and it would better be spent at Maxwell Field, where it is urgently needed.

In the Hawaiian Department appropriation was made of $39,500 for a hangar at Luke Field. Probably the Air Corps activities are going to be moved to the tracts A and B, as they are called, one of them close to the eastern side of Pearl Harbor, and it would be wasteful to build that hangar at Luke Field, as originally planned. That is where $39,000 comes from.

It was planned to build concrete floors in the Middletown Air Depot up near Harrisburg, in Pennsylvania. It is now found that the warehouse can be built in such a manner as not to require the expenditure for concrete, and that provides about $38,000 more.

It represents savings all down the line at a number of fields of that sort, the kind of savings we ought to encourage in making appropriations, I think. Practically, they find the money of this new technical work by saving it at a lot of spots where they are able to economize, and they are not asking us for new money.

Mr. BINGHAM. I thank the Senator for his explanation.

Mr. WARREN. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK].

The amendment was agreed to.

Mr. McMASTER. Mr. President, I desire to ask a question for information. A short time ago a judgment was rendered in favor of the Sioux Tribe of Indians against the United States approximating, including principal and interest, some $300,000. That money does not belong to the United States; it belongs to those Indians.

I submitted an amendment to the committee asking for the payment of that money, and they ruled it out on some point of order. Yet amendment after amendment has been adopted on this bill up to the present time that were subject to points of order, taking money out of the United States Treasury, but the amendment which I have offered would not take any money belonging to the United States out of the United States Treasury, it would give to the Indians money which belongs to them, which has been awarded to them by a decision of a United States court. I can not understand why the Committee on Appropriations insists that that shall be ruled out on a point of order.

Mr. WARREN. Mr. President, this matter has reference to a judgment of the Court of Claims now pending as an amendment to the first deficiency bill. The committee in considering this proposed amendment was met with the rule against legislation on an appropriation bill. As the Senator has said, judgment after judgment is provided for in this bill, but the Senator's proposition has to do with how the amount of money adjudged to be due is to be used after it has been paid.

Mr. McMASTER. Let me ask the chairman of the committee this question: Did the committee make any effort to get in touch with the Treasury Department to ascertain about it?

Mr. WARREN. I did not argue the case because I did not have the details of it.

Mr. McMASTER. It seems strange that appropriation after appropriation is allowed on the floor of the Senate, providing for money to be taken out of the United States Treasury, but this is a matter in which a judgment has been rendered. I think the bill may be held up long enough so that we can get that information.

Mr. WARREN. The Senator has had a week to get the information.

Mr. McMASTER. No; we have not had a week. I was informed by my secretary that the bill was just brought up on Monday.

Mr. WARREN. But we had the matter under consideration.

Mr. McMASTER. If that is what the Senator wants, we can hold the bill up, then, until we can get the certificate.

Mr. WARREN. I do not consider that it is necessary to have any dispute about it. We simply can not do this.

Mr. McMASTER subsequently said: Mr. President, I submitted to the committee an amendment for the payment of money to the Sioux Indians. We were told here by the Appropriations Committee that the judgments had not been certified to Congress, and, therefore, they could not take any action until that matter had been attended to.

On investigation, however, I found that on January 8, 1929, the President of the United States as well as the Budget Bureau certified those accounts to Washington. The messages were sent to the United States Senate and referred to the Committee on Appropriations on January 9, 1929. I just wish to insert that statement in the RECORD to clear up the situation. I do not attach any blame to the members of the Appropriations Committee. I think the fact that this matter was not called to the attention of the committee was due to the lack of attention of the clerical force. As the chairman of the Appropriations Committee is here, I simply wanted to straighten out the RECORD on that matter.

Mr. WARREN. Mr. President, I wish to say that in a long service here, this is the first time I was ever presented with a matter of this kind with the statement that it failed to receive attention in my office. It may never have gotten there, or it may never have come to us. I have not in mind any clerk who may have overlooked it.

Mr. SMOOT. I want to say to the Senator from South Dakota that there are not any more diligent clerks in the whole Senate than the clerks of the Appropriations Committee, nor any clerks who work harder.

Mr. McMASTER. Mr. President, I do not wish to cast any reflections on anyone. I simply want to show that the document transmitted by the President of the United States and by the Budget Bureau was sent here on January 9 and was referred by the Senate to the Appropriations Committee.

Mr. JONES. Mr. President, I want to suggest, in justice to the clerk of the Appropriations Committee, that he has been bedfast and sick for seven or eight weeks and is not able to get out yet. The other clerks are first class, too.

Mr. SMOOT. Absolutely first class.

Mr. WARREN. Mr. President, there has been, as stated, an absence in the force of our committee. We are without our main clerk, and have been for some time; but there are others under him who are equally fitted and industrious. I will look up this matter and see what the situation is. I know very well that it never went across the table down there.

Mr. COPELAND. Mr. President, I want to say a word about the employees in the Appropriations Committee. I think they are fine gentlemen, hard-working men, and faithful public servants; and I can not speak of them in too high terms.

Mr. GOFF. Mr. President, I have an amendment which I desire to offer.

Mr. McNARY. Mr. President, may we not have order?

The PRESIDING OFFICER. Senators will take their seats. There is too much confusion in the Chamber. The clerk will report the amendment.

The CHIEF CLERK. The Senator from West Virginia offers the following amendment, to insert at the proper place the following language:

That the sum of $15,000 be, and the same is hereby, appropriated to pay the salary of Representative VICTOR L. BERGER, of the fifth Wisconsin district, for his services in the Sixty-sixth Congress, to which he was regularly elected and denied admission because of an alleged violation of the espionage act, which said conviction was later reversed on appeal by the Supreme Court of the United States.

Mr. GOFF. Mr. President, I merely desire to say that there will be no time taken up with the discussion of this proposed amendment.

Mr. WARREN. I make the point of order against this amendment as being new legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. WAGNER. Mr. President, I present the amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 196, after line 5, to insert the following new section:

SEC. 6. That the Secretary of the Treasury is authorized and directed to pay to the city of Binghamton, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $3,002.79, representing the amount which would have been assessable for local improvements during the years 1927 and 1928 against the property owned by the United States at the junction of State, Henry, and Washington Streets in such city if such property had been privately owned.

Mr. WARREN. Mr. President, it is a well-known fact that the Treasury does not pay for improvements made adjoining its property, its post offices, and such buildings. They sometimes pay for the sidewalks and the curbing, but for paving the streets, and for other improvements, they do not pay. Anyway, we could not consider this now; there is no Budget estimate for it. Therefore I will have to make the point of order against the amendment as being legislation.

Mr. WAGNER. Mr. President, did I understand the Senator to raise a point of order against this?

The PRESIDING OFFICER. The chairman of the committee raises the point of order, and the Chair will sustain the point of order.

Mr. WARREN. Mr. President, I ask that the clerk be authorized to correct the totals and to renumber the sections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKHART. Mr. President, if there are no further amendments to be offered by any Senator, I desire now to take a few moments to explain the Federal employees' pay amendment that was agreed to by the Senate, especially in its relation to the situation in the House of Representatives, so that we may understand why it should be held in the conference agreement.

At the last session of the Congress the House passed what was called the Welch pay bill. There were some advances to some of the higher-grade employees in that bill which the Senate did not change in any way.

The Welch bill as it came to the Senate cut off the two lower steps in nearly all the grades, and in most of them it only put on one step at the top. That made it impossible to grant a uniform advance to all the employees in the different grades.

The Senate then amended the bill and put on two steps at the top and advanced all of the employees the same. That bill passed the Senate, I believe, by unanimous vote at that time.

Later a ruling of the Comptroller General cut down more than one step at the top, in fact cut down about half of the steps; and this amendment we have just agreed to corrects those two matters and makes an even advance again for the employees, as the Senate originally passed the bill.

The situation in the House is this: A similar bill was brought before the committee and all of the matters covered in this amendment agreed to in the Senate were agreed to in the committee, and a bill has been reported and is on the House Calendar to that effect, but they added other provisions to the bill, cutting down some of the advances that were made in some of the higher grades.

The advances which are cut down in the higher grades are advances which the House distinctly made in the Welch bill, and were not disturbed by the Senate in its former enactment. Therefore both the House and the Senate at this time have agreed to the propositions in this amendment agreed to by the Senate to-day, and I think it would be unfair to rule out these advances to which both Houses have already agreed, because there are some other situations where one House wants to make some reductions. The Senate committee would not favor those reductions, and I think the Senate itself would not, whereas the House seems to be favorable to them.

Those matters are not related to the propositions of advances in this bill, and therefore there is no real conflict between the two Houses upon the amendments agreed to in the Senate, and I believe that if the conferees present the situation in that way they will have no trouble in getting an agreement to this amendment as it was agreed to here to-day.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to further amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WARREN. Mr. President, I move that the Senate insist upon its amendments, ask for a conference with the House, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. CURTIS, Mr. KEYES, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

Mr. WARREN. Mr. President, owing to the absence of the senior Senator from Colorado [Mr. PHIPPS], who was one of the conferees on the first deficiency bill, I asked that the Senator from Kansas [Mr. CURTIS] be placed on the conference committee in the place of the Senator from Colorado.

CONSIDERATION OF THE CALENDAR

Mr. SMOOT. Mr. President, I ask that the action of the House on the Interior Department appropriation bill be laid before the Senate. I shall move that the Senate recede from its amendment No. 39.

Mr. CURTIS. Mr. President, the motion is going to be debated. Before it is made, I desire to submit a unanimous-consent request. I ask unanimous consent that at the conclusion of action on the Interior Department appropriation bill the Senate proceed to the consideration of unobjected bills on the calendar, beginning where we left off on the last call.

Mr. McKELLAR. Mr. President, I am perfectly willing that that course should be pursued, but I want to express the hope that as soon as that is done we may have an executive session.

Mr. CURTIS. I am going to ask for an executive session later on.

Mr. McKELLAR. The Senator means later in the day?

Mr. CURTIS. Yes.

Mr. McNARY. Mr. President, may I inquire what hour the Senator fixed for taking up the calendar?

Mr. CURTIS. As soon as action is taken on the Interior Department appropriation bill.

Mr. JONES. Mr. President, it is possible there will be some bills to be reported to-day by committees. I ask that those reports may be included in the unanimous-consent agreement.

Mr. CURTIS. I have no objection to that.

Mr. KING. Mr. President, as I understand the request of the Senator from Kansas, it means that we shall proceed with the calendar from the point where we left off the other day and go to the end of the calendar, but not return to the beginning.

Mr. CURTIS. The Senator from Utah is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

NEW ORLEANS ARMY SUPPLY BASE

Mr. REED of Pennsylvania. Mr. President, will the Senator from Utah yield to me for a request which will not take any time, I am sure?

Mr. SMOOT. I want it distinctly understood if it leads to any debate at all I shall object.

Mr. REED of Pennsylvania. I do not think it will lead to any debate whatsoever.

From the Committee on Military Affairs I report back favorably and unanimously the bill (H. R. 16701) to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.

As the title indicates, the bill provides for payment to the commissioners of New Orleans of rental which is due them under a written lease between the time the United States notified them that it was going to exercise its option of purchase and the time when it actually paid the money. The United States stopped paying rent when it gave the notice, and then it was three years before the Government became satisfied with the title. In the meantime, the United States remained in possession. The War Department recommends the bill, it was unanimously passed in the House, and it ought to be passed here.

There is an amendment on the second page to make the amount accord with the amount on the first page. It is simply a clerical error in the bill. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Of course I have no objection if it does not lead to any debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on Military Affairs was, on page 2, line 10, after the words "sum of," to strike out "$38,638.40" and insert "$39,686.54," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to pay to the Board of Commissioners of the Port of New Orleans, rental in the sum of $39,686.54 for the use and occupancy of the property known as the New Orleans Army Supply Base, New Orleans, La., said rental being for the period from August 1, 1924, on which date the United States ceased to pay rental for the said property, to August 26, 1927, on which date the United States tendered a check in payment for the purchase of the said property to the Board of Commissioners of the Port of New Orleans, from which the same was purchased, said rental being at the rates provided for in contracts between the United States of America and the Board of Commissioners of the Port of New Orleans, dated May 29, 1918, and June 19, 1918.

SEC. 2. That the sum of $39,686.54 is hereby authorized to be appropriated for the purposes set forth in section 1 out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SUPPLEMENT TO NATURALIZATION LAWS

Mr. REED of Pennsylvania. Mr. President, I have a very short conference report, which will not lead to debate, I am certain. It is a conference report on the bill (H. R. 349) to supplement the naturalization laws, and for other purposes. It is almost exactly as it passed the Senate and as it was reported by the Committee on Immigration. The only change made in it is that the amnesty provision dates back to 1921 instead of 1924. The Senate bill would have given amnesty and would have allowed the naturalization of persons who came in prior to 1924. In conference we have receded from that and have put the date back to 1921, so that anybody who came in before 1921, and who under the present law can not be deported, and who is a person of good moral character, may be naturalized now.

Mr. ROBINSON of Arkansas. What is the basis for changing the date from 1924 to 1921?

Mr. REED of Pennsylvania. The reason for that is that the House was unwilling to legalize the entry of any person who came irregularly since the first quota law was adopted. So the date of the first quota law, June 3, 1921, was fixed as the dead line.

Mr. ROBINSON of Arkansas. The present arrangement then is more restrictive than that contained in the bill as passed by the Senate?

Mr. REED of Pennsylvania. Yes. The conference report is stronger against the illegally admitted aliens than was the bill itself as passed by the Senate. I ask unanimous consent for the immediate consideration of the conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendments, as follows:

On page 1 of the Senate engrossed amendment, line 11, strike out "July 1, 1924" and insert "June 3, 1921";

On page 3 of the Senate engrossed amendment, lines 4 and 5, strike out "After the expiration of 60 days after the enactment of this act no" and in lieu thereof insert "No";

On page 3 of the Senate engrossed amendment, line 7, after "valid," insert a comma;

On page 5 of the Senate engrossed amendment, line 2, before the period, insert a comma and the following: "in addition to the affidavits required by this act to be included in the petition";

On page 8 of the Senate engrossed amendment, line 22, strike out "or under section 1993 of the Revised Statutes";

On page 9 of the Senate engrossed amendment, lines 16 and 17, strike out "be conclusive evidence of the citizenship of the individual named therein" and insert "have the same effect as a certificate of citizenship issued by a court having naturalization jurisdiction";

On page 11 of the Senate engrossed amendment, line 4, after the semicolon, insert "any political subdivision of a State not included within any county" and a semicolon; and

On page 12 of the Senate engrossed amendment, after line 5, insert the following:

"SEC. 12. Sections 1 to 10, inclusive, of this act shall take effect on July 1, 1929. The remainder of the act shall take effect upon its enactment."

And the Senate agree to the same.

HIRAM JOHNSON,
DAVID A. REED,
ROYAL S. COPELAND,
*Managers on the part of the Senate.*

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
*Managers on the part of the House.*

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CHOWAN RIVER BRIDGE, NORTH CAROLINA

Mr. GLASS. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 16954) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River in Gates and Hertford Counties, N. C. The bill passed the House and has been reported favorably by the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Chowan River, at a point suitable to the interests of navigation, at a point distant in a southerly direction along the center of said river about 1.3 miles from the Virginia-North Carolina line, in Gates and Hertford Counties, in the State of North Carolina, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns; and any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. GLASS, the bill (S. 5831) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C., was ordered to be definitely postponed.

MEHERRIN RIVER BRIDGE, NORTH CAROLINA

Mr. GLASS. I now ask unanimous consent for the immediate consideration of the bill (H. R. 16955) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Meherrin River, at a point suitable to the interests of navigation, at a point distant in a northwesterly direction along the center of said river about 4.6 miles from the confluence of said Meherrin River with the Chowan River, in Hertford County, in the State of North Carolina, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. GLASS, the bill (S. 5830) granting the consent in Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C., was ordered to be indefinitely postponed.

H. E. JONES

Mr. SWANSON. Mr. President, there is a bill which has just come over from the House, the bill (H. R. 16867) for the relief of H. E. Jones. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BLEASE. I think it is understood that we are going to take up the calendar later in the day. If we are going to take up all the House bills that are sent over from the House in this way none of us know when we may get to the consideration of any Senate bills. At this rate we shall never get to the consideration of bills on the calendar. Therefore I must object.

The PRESIDING OFFICER. Objection is made.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 2410. An act to amend section 1440 of the Revised Statutes of the United States; and

S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13752) to provide for the construction of a children's tuberculosis sanatorium.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1781) to establish load lines for American vessels, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 1577) to add certain lands to the Boise National Forest, Idaho, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COLTON, Mr. SMITH, and Mr. EVANS of Montana were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendment to the bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COLTON, Mr. SMITH, and Mr. EVANS of Montana were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the bill (S. 4848) for the relief of T. L. Young and C. T. Cole, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. DYER, and Mr. Box were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1727. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended;

S. 4517. An act to authorize the appropriation for tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and the business committee, and for other purposes;

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.;

S. 5221. An act for the relief of Cary Dawson;

S. 5255. An act for the relief of present and former postmasters and acting postmasters, and for other purposes;

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.;

S. 5326. An act for the relief of Jessie L. Kinsey;

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying;

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo.;

S. 5749. An act authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez;

S. 5766. An act for the relief of Andrew T. Bailey;

S. 5776. An act for the relief of Wynona A. Dixon;

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 11722. An act to establish a national military park at the battle field of Monocacy, Md.;

H. R. 12793. An act for the relief of Alonzo Durward Allen;

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended;

H. R. 13931. An act to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.;

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York;

H. R. 15382. An act to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;

H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass, connecting Bainbridge Island with the mainland in Kitsap County, State of Washington;

H. R. 16565. An act authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921;

S. J. Res. 58. Joint resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell;

S. J. Res. 196. Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Okla-

homa to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38) and from the State of New Mexico to the State of Texas and from the State of Texas to the State of New Mexico as per decree of the Supreme Court of the United States in the case of New Mexico *v.* Texas (vol. 276, p. 557, U. S. Sup. Ct. Repts.), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; and

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. I ask that the action of the House on the Interior Department appropriation bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives insisting on its disagreement to the amendment of the Senate No. 39 to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. SMOOT. Mr. President, I move that the Senate recede from its amendment numbered 39. Briefly I will state——

Mr. WALSH of Montana. Mr. President, if the Senator will yield, I would like to suggest the absence of a quorum.

Mr. SMOOT. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fess | McKellar | Simmons |
| Barkley | Fletcher | McMaster | Smith |
| Bayard | Frazier | McNary | Smoot |
| Bingham | George | Mayfield | Steck |
| Black | Gerry | Metcalf | Steiwer |
| Blaine | Glass | Moses | Stephens |
| Blease | Glenn | Neely | Swanson |
| Borah | Goff | Norbeck | Thomas, Idaho |
| Bratton | Gould | Norris | Thomas, Okla. |
| Brookhart | Greene | Nye | Trammell |
| Broussard | Hale | Oddie | Tydings |
| Burton | Harris | Overman | Tyson |
| Capper | Harrison | Pine | Vandenberg |
| Caraway | Hastings | Pittman | Wagner |
| Copeland | Hawes | Ransdell | Walsh, Mass. |
| Couzens | Hayden | Reed, Pa. | Walsh, Mont. |
| Curtis | Heflin | Robinson, Ark. | Warren |
| Dale | Johnson | Robinson, Ind. | Waterman |
| Deneen | Jones | Sackett | Watson |
| Dill | Kendrick | Schall | Wheeler |
| Edge | Keyes | Sheppard | |
| Edwards | King | Shortridge | |

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Utah.

Mr. WALSH of Montana. Mr. President, I had hoped that the Senator from Utah [Mr. SMOOT] would really explain to the Senate at this time just why he thinks the Senate ought to recede from this amendment which it has twice approved.

Mr. SMOOT. Mr. President, amendment numbered 39 provides for the condemnation of land by the Government in national parks. The bill as it came from the other House authorized such condemnation. The Senate amended the bill by striking out the provision allowing the Government to condemn land in the national parks. In conference it developed at our first meeting that the House conferees were not going to yield on amendment numbered 39, which had been adopted by the Senate.

On January 17 the first vote was taken in the House. I told the House conferees that the Senate conferees would not yield until there should have been a vote taken by the House. The result of that vote was 72 to 16 against the Senate amendment. By the way, that was a standing vote. I and the other members of the conference committee on the part of the Senate insisted that the House take a yea-and-nay vote upon the amendment. On February 19 that vote was taken. I told the conferees on the part of the House that I would not make a report to the Senate until there should have been a yea-and-nay vote upon the amendment in the House. That vote, which, I repeat, was taken on February 19, resulted 28 for the Senate amendment and 304 against the amendment.

Mr. BROUSSARD. Mr. President, will the Senator please state just what is the matter under consideration? I have just come into the Chamber.

Mr. SMOOT. The Senate is now considering the motion made by me to recede from amendment numbered 39 on the Interior Department appropriation bill now under consideration. I am discussing that amendment. By receding from that amendment, the bill will be passed.

Mr. McKELLAR. Mr. President, may I ask the Senator from Utah if this amendment would apply to Smoky Mountain Park, in eastern Tennessee? Could the Government condemn lands for park purposes there?

Mr. SMOOT. The provision would apply if that is a national park.

Mr. McKELLAR. Yes; it is a national park. The Government, the State, and private interests combined are buying lands in order to complete the Smoky Mountain National Park. There are a great many people who own little homes in the various mountain and cove districts, some of whom want to stay there. I am not sure that it would be wise to give carte blanche authority to the Secretary of the Interior to condemn those lands. In my mind, it is doubtful whether or not we ought to do that.

Mr. SMOOT. I do not think there will be any occasion for condemning lands in that kind of a park.

Mr. McKELLAR. I think those lands ought to be bought or, if certain contingencies arise by which they should be condemned, I think the park authorities should submit those contingencies to Congress and obtain the specific right to condemn the lands rather than for the Secretary of the Interior merely to have a blanket authority to condemn. I am just wondering whether the Senator from Utah agrees with me in that view?

Mr. SMOOT. It has not been the practice at all on the part of the officials of the Government to condemn lands such as the Senator from Tennessee has reference to. The thought is that the national parks are becoming of very great importance to all of the people of the country. The number of visitors to them is going to increase every year from now on. A few years ago only a few thousand people visited the parks, while now there are hundreds of thousands who do so, and every year the number is increasing. In certain parks where the Government officials and the owners of land can not agree upon the price, particularly as to timberlands, and so forth, this amendment, if agreed to, would authorize the Government to condemn the lands.

There may be, and no doubt will be, cases where the private parties and the Government can not agree, but in most cases they will be able to agree on the value.

There is no intention whatever of driving out homesteaders either in that park or in the Glacier National Park, as was stated at the time the bill was under consideration in the Senate.

Mr. McKELLAR. I call the attention of the Senator to the language used which I understand it is intended to retain in the bill. It reads:

> Or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government.

That is a very broad authority.

Mr. SMOOT. It is general condemnation authority; there is no doubt about that.

Mr. McKELLAR. Yes; and it gives the power to just one man in the entire Government. Where the taking of private property, for park purposes at any rate, is concerned, it seems to me the authority might be hedged about somewhat. I doubt whether any one man should be given the right to condemn property of citizens for park purposes.

Mr. SMOOT. The price of the land in case the individuals and the Government can not agree will be fixed in condemnation proceedings by the court.

Mr. McKELLAR. I understand that.

Mr. SMOOT. Mr. President, as I have said, when the vote was taken on the amendment in the House on February 19, the result was 304 against the Senate amendment and 28 for it. After that there were several propositions made by way of modification, but the conferees on the part of the House would not yield to any proposition that was submitted to them by the conferees on the part of the Senate. The conferees on the part of the Senate again declined to agree, and a disagreement was again reported upon the amendment No. 39. It went back to the House for another vote, and that vote which was only a standing vote and taken near the close of the session, was 42 to 12.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMOOT. Yes.

Mr. COPELAND. Will the Senator state to the Senate the situation in regard to this matter? If the conference report shall be adopted, what will then happen? Will that leave the Department of the Interior free to condemn private property just exactly as the department may feel it is justified in doing?

Mr. SMOOT. The provision which gives the Secretary of the Interior the power to condemn lands is in these words:

> For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase or by condemnation under the provisions of the

act of August 1, 1888 (U. S. C. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government.

Mr. ROBINSON of Arkansas. Is it intended under this provision to give the Secretary of the Interior the power to take all privately owned lands without regard to their character and without regard to the purposes to which they are now being utilized.

Mr. SMOOT. Under the wording of the House provision he would have the right to condemn all privately owned land or standing timber within the boundaries of national parks.

Mr. ROBINSON of Arkansas. And there is no limit whatever placed on his authority; he is given absolute jurisdiction and discretion to take any lands for any purpose?

Mr. SMOOT. That is exactly what it means.

Mr. WALSH of Montana. Or for no purpose.

Mr. ROBINSON of Arkansas. Or for no purpose. There is not any occasion in the world for the existence of such authority or for the exercise of such authority.

Mr. SMOOT. There are some cases where condemnation is necessary; for instance, in one of the parks, particularly in California——

Mr. ROBINSON of Arkansas. There is no objection to giving the Secretary of the Interior the power to take timberlands, and there is no objection to giving him the power in cases where the necessity exists to condemn lands, but it is the undue extension of bureaucratic control to give him unlimited authority, and I do not think the Senate is going to do it.

Mr. SMOOT. We want to pass this bill, and we can not do it in any other way.

Mr. ROBINSON of Arkansas. Mr. President, we frequently get the information that we can not pass a bill unless we do something that there is no justification for doing.

Mr. SMOOT. I want to say to the Senator that I am perfectly willing to resign as one of the conferees.

Mr. ROBINSON of Arkansas. Oh, no; nothing whatever would be accomplished by that.

Mr. SMOOT. I have done everything in my power to bring this thing about. The House has voted, as I have already stated, overwhelmingly. It has also had a bill presented——

Mr. ROBINSON of Arkansas. As a matter of fact, this is legislation on a general appropriation bill; it violates the fundamental rules of procedure; and, unless there is a strong justification for it, it ought not to be insisted upon. I do not care from what source the insistence comes.

Mr. McKELLAR. Another thing, Mr. President: Let me say to the Senator that I do not think either the House or the Senate should arbitrarily take the position that "unless we have our particular way this bill will fail." If the House takes that position, let them take the burden of it.

I do not think we ought to yield on a matter of vital importance and of real principle. If the Secretary of the Interior has in mind any land which ought to be condemned, and will make a report of that to the Congress, the department can get the authority whenever it pleases; but, as the Senator from Arkansas has so splendidly pointed out, we ought not to give this blanket authority to take land for any purpose, or without any purpose at all.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. COPELAND. This issue is not yet clearly placed before the Senate. Am I right in this?

If the conference report should be adopted, it would give the Secretary of the Interior absolute power to condemn any property in the sections involved. That is the first proposition. Second, if the amendment adopted in the Senate should prevail, it would leave in the hands of the Secretary of the Interior the power of condemnation except as regards private homes and church establishments and hotels.

Mr. SMOOT. No; that amendment has not been agreed to.

Mr. COPELAND. No; it has not been agreed to, but that is the issue?

Mr. SMOOT. No.

Mr. ROBINSON of Arkansas. It has passed the Senate.

Mr. SMOOT. No; it is not in issue at all now. The question is just as the Senator stated it in the first place: If the Senate amendment is agreed to—and the House say they will not do it—but if it is, then, of course, these privately owned lands or standing-timber lands can be acquired by purchase. That is what the bill would provide if amendment No. 39 of the Senate were agreed to by the House; but the House will not agree to it.

I want to say to the Senator, and he knows it, that I have made the same proposition to limit this to private residences, hotels, and timber.

Mr. COPELAND. The Senator must not be sensitive. There is no reflection upon the Senator.

Mr. ROBINSON of Arkansas. Certainly not.

Mr. COPELAND. It is simply a question of the issue before us.

Mr. ROBINSON of Arkansas. It is a matter of principle.

Mr. SMOOT. That is all; and that is what I want the Senate to decide upon—whether we are going to let this bill fail, or whether we are going to yield on amendment No. 39.

(At this point a message was received from the House of Representatives, which appears elsewhere in to-day's RECORD.)

Mr. COPELAND and Mr. BROUSSARD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and, if so, to whom?

Mr. SMOOT. I yield first to the Senator from New York.

Mr. COPELAND. The Senator has not yet conceded that the issue is as I have recited. I am anxious to have it clear-cut.

Mr. SMOOT. I stated to the Senator that he had stated the proposition correctly. There is not any doubt about that. Not only that, but I will say to the Senator that he has stated it very clearly; and that is the issue. The issue here is whether we are going to give the Secretary of the Interior power to condemn privately owned lands or standing timber within the boundaries of existing national parks and national monuments by purchase or by condemnation.

Mr. WALSH of Montana. Or whether we shall restrict his authority to——

Mr. ROBINSON of Arkansas. To the cases where there is a necessity for condemnation in the public interest.

Mr. SMOOT. But, so far, every proposition has been turned down by the House by a vote.

Mr. ROBINSON of Arkansas. Very well; let them turn it down.

Mr. SMOOT. I do not feel that way about it. I feel that nothing is going to happen within a year that is going to hurt anybody particularly, and if there is an abuse of the authority at any time within the coming year we will have some basis to ask for the amendment of the law.

Mr. McKELLAR. Mr. President, this provision would amend the law. It gives the Secretary of the Interior absolute power of condemnation at will, and that is too great a power to give him; and if the House can not see that, I shall be astonished.

Mr. SMOOT. The amendment does not do that. The amendment gives him that power.

Mr. McKELLAR. Yes; it gives him that power. To pass a bill, and say "If it does not work right we are going to repeal it," is something we ought not to do unless it meets our approval.

Mr. SMOOT. I simply say that that could be done. I do not say that that is what ought to be done; but we do have that to fall back on.

Mr. McKELLAR. I hope the Senator does not think I am criticizing him, because I am not.

Mr. SMOOT. Oh, no.

Mr. McKELLAR. I think the Senator has done the best he could about the matter; but the Senate ought to back up the Senator again, and we ought to let the House know that we are not going to recede on this amendment.

Mr. SMOOT. I want the Senator to know that if that is done now, the bill will fail.

Mr. McKELLAR. No; it will not fail.

Mr. SMOOT. That is exactly what will happen. I have every reason to believe that.

I do not think it is proper for me to refer here to Members of the House. That would not be proper.

Mr. McKELLAR. No.

Mr. SMOOT. But I have every reason to believe, and I want to say now to the Senate of the United States, that if this amendment of the Senate is not receded from, we are not going to have any appropriation bill by the 4th of March.

Mr. BROUSSARD. Mr. President, let me ask the Senator a question. I think the Senate might be interested to know about this: Where does the demand come from for vesting this extraordinary power in the Secretary of the Interior when both the Senators from the State of Montana are opposed to the bill, as well as the Congressman from that State? Who is making this demand?

Mr. SMOOT. This does not apply to one State only. It applies to all of the national parks and all of the national monuments in the United States.

Mr. BROUSSARD. It does apply to all of them?

Mr. SMOOT. Why, certainly; every one of them.

Mr. McKELLAR. I am here protesting for my State. I do not want to have this blanket authority granted.

Mr. COPELAND. Mr. President, the Senator may be amazed that I take an interest in this bill; but the fact is, that every single conservation society in my city and State has written me about it, and they are vitally interested. They are particularly interested in the big trees. That term, perhaps, does not mean much to some people, but to them it means everything.

The Senator has stated that the only difference in the world between the conference report which he is urging upon us and the action of the Senate lies in the fact that the Senate very properly, as I see it, with all God's out of doors open for condemnation, reserved and exempted from the operation of any condemnation scheme certain privately owned and used property, the homes of a few American citizens, hotels which have been built upon those beautiful lakes, and certain religious establishments.

I must contend that that is a very proper limitation to make. If we were talking about a comdemnation in this city, where we had to put up a public building, and there were privately owned establishments near by, of course we would have to exert our right of eminent domain, or whatever it is, to take possession. But here there are thousands, possibly millions, of acres involved; and the Senate has very justly said that so far as these progressive citizens are concerned who have gone into that territory and have spent their money to build homes where they go to enjoy themselves in the summer time, and hotel men who have bought property and erected buildings, and religious institutions that have located establishments there, of course they should be exempted.

Regardless of what position may be taken in other branches of the Government, it is right that the Senate should demand that its view relative to these matters in question be considered. I think I have stated the situation as it is, and that is the way I feel about it.

Mr. SMOOT. Mr. President, the whole question is before the Senate to decide. I do not doubt the accuracy of what the Senator has stated at all, but if the Senate does not yield on amendment No. 39 we are not going to have any Interior Department appropriation bill at this session of Congress. It has been held up in conference for 40 days. Some $400,000 of this money is to be made immediately available. I know in some of the cases men have had to stop work entirely; they are holding their forces in some places absolutely at their own expense because of the fact that there is no money to pay them. There are other items, to the amount of over $200,000, where the contractors have now borrowed money from the banks; they are paying 6 and 7 per cent upon that money, and there is no provision whatever under which the Government can reimburse them. If this report is not agreed to, I am quite sure we are not going to have any bill.

Mr. JONES. Mr. President, my recollection is that this bill carries the appropriations for continuing the reclamation work for the next year.

Mr. SMOOT. It does.

Mr. JONES. If the bill should fail, and, assuming that no emergency bill were passed, would not practically all reclamation work stop on the 1st of July?

Mr. SMOOT. I think most of it would. There are some projects where there would be some money.

Mr. BROUSSARD. That could be provided for during the special session.

Mr. SMOOT. I do not know about that.

Mr. WALSH of Montana. That does not indicate that the Senate ought to recede from its position relative to the matter any more than that the House should.

Mr. SMOOT. How are we going to overcome a vote in the House, where the matter was put up directly to them? I did not ask a conference here, and I told Mr. CRAMTON I would not, so that they could have the papers and have a yea-and-nay vote, and not have the excuse of not having the papers. When the matter went back to the House, there was a yea-and-nay vote, and the vote was 304 to 28.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. COPELAND. I get sick and tired, so far as I am concerned, of having the Senate say "Let us not do it because we are going to offend somebody," or "Let us put this on the bill in order to use it as a club over somebody else." I contend that it is the business of the United States Senate to do what it thinks is right, and if the other people in the Government do not care to coincide with us, that is their affair, not ours.

Mr. SMOOT. The truth is that the House is a part of this Government just as much as the Senate is.

Mr. SIMMONS. Mr. President, does the Senator think that the Senate should, with reference to all of its great supply bills, yield to the whim of the House? This is but a whim, this matter of exempting from condemnation a few homes and a church and a school, when the House says, "If you do not let us condemn them, you shall not pass this bill."

Mr. SMOOT. I do not think there is any intention along that line.

Mr. ROBINSON of Arkansas. Why is the right to condemn insisted upon, if it is not to be exercised?

Mr. SMOOT. They want the authority granted. There may be cases where it is needed.

Mr. SIMMONS. The position of the House is that unless the Senate will consent to the granting of the power for the condemnation of these few homes, and these few churches and schools, as a part of a vast domain that is subject to condemnation, this bill shall not pass.

Mr. SMOOT. I did not say that the bill shall not pass.

Mr. SIMMONS. The Senator said it would not pass. Then, why will it not pass? Because the House will not agree to the report unless we agree to the demand of the House.

Mr. ROBINSON of Arkansas. The statement of the Senator from North Carolina is strengthened by the fact that the Senator from Utah says there is no intention of exercising the power to condemn homes, hotels, and churches——

Mr. SIMMONS. Exactly.

Mr. ROBINSON of Arkansas. Or church sites, but at the same time the right to do so is insisted upon. I respectfully suggest that the power to condemn ought to be limited to the extent to which it is expected to be exercised.

Mr. SMOOT. That is what we have had a vote on.

Mr. ROBINSON of Arkansas. We will have some more votes on it.

Mr. SIMMONS. Mr. President, this is not the first case of the kind. We have had several cases in which we were told that unless we consented to some little items of minor importance in a bill there would be no legislation upon a subject involving expenditures of the Government affecting the various and sundry interests of the people.

Mr. SMOOT. The Senator speaks of this one little item. There were 41 amendments, and the House has yielded on nearly all of them. The Senator from North Carolina has been on conferences enough to know——

Mr. SIMMONS. But I have not seen this spirit that we have heard of manifested recently.

Mr. SMOOT. I could call attention to a case where the same spirit was exhibited in connection with a bill on which the Senator and I were conferees, and we had to yield.

Mr. SIMMONS. I do not know what the Senator is talking about now.

Mr. SMOOT. I could tell the Senator, but there is no necessity of it.

Mr. SIMMONS. I may have misunderstood the Senator from Utah, but I understood him to say that everything depended upon our yielding in this little matter, and that if we did not yield to the House with respect to this minor item there would not be any legislation.

Mr. SMOOT. There are 41 amendments, and they have all been agreed to with the exception of this one, and this one the House has voted upon three times. We would not yield here and sent it back. Now the time has come——

Mr. SIMMONS. How many times has that happened during this session with respect to big appropriation bills?

Mr. SMOOT. Not at all that I know of.

Mr. SIMMONS. I have heard of it several times.

Mr. SMOOT. I have not. This has been in conference 40 days now.

Mr. SMITH. Mr. President, did I understand the Senator to say that the attitude of the House was that the department had no intention of condemning the property enumerated in the Walsh amendment?

Mr. SMOOT. It gives them the power to do so. I understand now that the Great Northern Railroad has already made an agreement there about the hotel.

Mr. WALSH of Montana. What is the difference whether it is owned by the Great Northern or anybody else?

Mr. SMOOT. There is no difference, but the department will agree wherever it is possible to agree within reason. As I have said, there were 41 amendments. This is the only amendment not agreed upon, and on this amendment numbered 39 we have had vote after vote in the House, and the House will not yield.

Mr. SMITH. The point is, the other amendments on which agreement has been had may not involve as vital a principle as the one now under consideration. This gives such broad, unlimited power that the Secretary of the Interior can go in and, at his own sweet will, do as he pleases with privately owned property, and the property enumerated in the exceptions mentioned by the Senator from Montana. I thought I understood the Senator to say that the House conferees had no intention of giving the Secretary of the Interior the power to do the

things which are sought to be prevented by the amendment of the Senator from Montana.

Mr. SMOOT. Mr. President, I am a servant of this body, and I am perfectly willing for the body to take a vote upon this, but I want Senators to know what the vote means. I thought it is my duty, as a servant of this body, to tell the conditions. I have done that, and I do not want to say anything more about it.

Mr. WALSH of Montana obtained the floor.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. I yield.

Mr. WAGNER. I want to ask that the Senate take action on a bill about which there will be no controversy.

Mr. SMOOT rose.

Mr. WAGNER. May I explain to the Senator that this is eagerly sought by the War Department on behalf of the Government and by the city of New York? It affects simply a situation in Staten Island, N. Y. A very small portion of Miller Field is ceded to the city of New York in return for which the city of New York has agreed to pay all of the expenses of improving the approach to Miller Field, which will lessen the danger to pedestrians from Government and other motor vehicles.

Mr. SMOOT. Mr. President, I have no objection to the bill——

Mr. WAGNER. Nobody has any objection to it.

Mr. SMOOT. But if I yield to the Senator on this, how can I say to another Senator that we can not yield? I want the Senate now to pass upon this amendment to the appropriation bill. I want them to say what they want to do with this conference report.

Mr. WAGNER. I appreciate that.

Mr. SMOOT. To-day is Thursday, and we will be through practically on Saturday. We have before us for final action a bill carrying $285,000,000, and I ask the Senator not to request action on his bill at this time.

Mr. COPELAND. Mr. President, this is purely a technical matter, and I hope the Senator from Utah will not block it. It will take just a moment.

Mr. SMOOT. The Senator knows very well that I would yield to him as quickly as to anybody, but I can not yield to the Senator from New York and then refuse to yield to others, and I beg him not to ask it.

Mr. WAGNER. The Senator will make no objection if I call the bill up after the disposition of the pending matter?

Mr. SMOOT. None at all.

Mr. WALSH of Montana. Mr. President, I want in the introduction of the discussion of this matter, to express my thanks to the conferees on the part of the Senate for the fidelity they have exhibited in endeavoring to secure an approbation by the House of the position taken by the Senate with respect to this matter. It has an importance far beyond the considerations applicable to this particular amendment. It really presents the question as to whether the Senate of the United States shall continue as an essential, integral part of our legislative system, or whether it shall find its prerogatives seriously impaired, if not quite destroyed.

I am sure that even those who have been kind enough to express their concurrence in the attitude I have taken with respect to this matter do not fully appreciate the situation as it is here presented to us. Under the Constitution of the United States, bills for raising revenue must originate in the House of Representatives. There is no such provision with reference to general appropriation bills.

Mr. BLEASE. Mr. President, I think this matter is one of such importance that there should be more Senators in attendance.

The PRESIDING OFFICER. Does the Senator from Montana yield?

Mr. BLEASE. I think the Senator from Montana is right, this is one of the most important matters that has been before the Senate this year, or that has come before it for a long time, and I suggest the absence of a quorum.

Mr. WALSH of Montana. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Brookhart | Deneen | Glass |
| Barkley | Broussard | Dill | Glenn |
| Bayard | Burton | Edge | Goff |
| Bingham | Capper | Edwards | Gould |
| Black | Caraway | Fess | Greene |
| Blaine | Copeland | Fletcher | Hale |
| Blease | Couzens | Frazier | Harris |
| Borah | Curtis | George | Harrison |
| Bratton | Dale | Gerry | Hastings |
| Hawes | Moses | Sackett | Trammell |
| Hayden | Neely | Schall | Tydings |
| Heflin | Norbeck | Sheppard | Tyson |
| Johnson | Norris | Shortridge | Vandenberg |
| Jones | Nye | Simmons | Wagner |
| Kendrick | Oddie | Smith | Walsh, Mass. |
| Keyes | Overman | Smoot | Walsh, Mont. |
| King | Pine | Steck | Warren |
| McKellar | Pittman | Steiwer | Waterman |
| McMaster | Ransdell | Stephens | Watson |
| McNary | Reed, Pa. | Swanson | Wheeler |
| Mayfield | Robinson, Ark. | Thomas, Idaho | |
| Metcalf | Robinson, Ind. | Thomas, Okla. | |

The PRESIDING OFFICER (Mr. GOFF in the chair). Eighty-six Senators having answered to their names, a quorum is present.

Mr. WALSH of Montana. Mr. President, while there is no constitutional requirement that bills in the nature of general appropriation bills shall originate in the House of Representatives by a practice which has attained practically all the force of a constitutional provision that is the case. Appropriation bills invariably originate in the House of Representatives. If, under such a practice as that, general legislation in that body may be incorporated upon an appropriation bill, and then the Senate of the United States may be told that it must agree to that general legislation thus proposed exactly as it was written in the House without ever crossing a "t" or dotting an "i," or there will be no appropriation bill, and the Senate yields to that sort of a threat, its usefulness as a legislative body, as I have indicated, is not only impaired but practically destroyed. That is the situation presented here.

A new policy is inaugurated by the bill. Heretofore private holdings within the exterior boundaries of the national parks have been tolerated and indeed, so far as Glacier Park in the State of Montana is concerned, have been encouraged by the legislation of Congress, for the act creating that park not only secured to those within the park their holdings there but authorized the Secretary of the Interior to lease restricted areas for the purpose of being occupied as homes.

The situation in which the Senate finds itself has not been passed unobserved by the press of the country. I have here the editorial page of the New York Times of yesterday, Wednesday, February 27, in which occurs the leading editorial entitled "The House Feels Its Oats." I read:

Not for several years has the House of Representatives shown so many signs as at present of a determination to assert itself against the Senate. Its action on bill after bill has made certain Senators turn purple with rage, but perhaps that is one of the very things which the leaders of the House hoped to accomplish. They have resolutely stood by their own ideas of what the general deficiency bill should be, especially in the matter of money for prohibition enforcement. They have compelled the Senate to recede from many of its amendments to the Interior Department bill, and have insisted, at last accounts, upon rejecting even the pet fragment of an amendment which Senator WALSH strove to draft upon that measure. When Senator SMOOT told Mr. WALSH that if he remained stubborn the whole bill might fail, he rejoined, "Let it fail." Apparently his thought was that the House would not dare incur that final responsibility. But it has boldly altered several other bills dear to the senatorial heart, and seems bent on vindicating its own dignity and authority in a way that seems novel.

It was not always the case that the Senate was the "dominant member" of Congress. For a long time after the Civil War the House was, in the public impression at least, the more important body. Its debates were the more fully reported. Its personalities were the more vivid and commanding. But little by little, in the slow accretion of political power, largely through an increasing control of the increased Federal patronage, the Senate began to overtop the House, and for a long time past has been the chief source of legislation and the most interesting center of discussion. Washington correspondents long ago were sensitive to the change and transferred their major activities from the Press Gallery of the House of Representatives to that of the Senate and to the Senate Office Building. Just now there seems to be a swing backward toward restoring the House to something of its old eminence.

This movement will be hastened if reports of Mr. Hoover's attitude are even partially correct. He has been holding frequent and long conferences with Speaker LONGWORTH. This of itself is calculated to intensify the apoplectic jealousy of the Senate. To think of a President arranging his legislative program with main dependence upon the House of Representatives! But the defense made by Mr. Hoover's friends is that to his orderly mind the Senate seems a chaotic and unmanageable assembly. The House has rules permitting it to do business. It has leaders who can count upon their followers, whereas the Senate leaders never know when they will be deserted. Particularly with reference to a farm relief bill and a limited revision of the tariff it is explained that Mr. Hoover sees more hope in the House than in the Senate. It is even hinted that if the Senate takes the House bill for limited tariff changes and stuffs into it all kinds of upward revisions of its own, he will refuse to sign any such measure.

This is probably premature. Yet the mere rumor of it is enough to cause cruel senatorial heartburnings. If Mr. Hoover is really resolved, after he becomes President, to exalt the horn of the House of Representatives, Senators will vow that they have horns of their own with which to gore him.

Mr. President, my esteemed friend the Senator from Washington [Mr. JONES] calls attention to the fact that the pending bill, which is in peril of failure, carries appropriations for the great reclamation projects of the West and for many other important activities of the Government. That undoubtedly is true. That is why this general legislation is incorporated upon it in the House, namely, because it is felt that thereby such pressure can be brought to bear that legislation which the Senate would not otherwise accede to can be secured. Of course, my State is interested in the reclamation appropriations in the bill exactly the same as the State of Washington.

But, as I have tried to indicate here, there is an important principle, as I see it, involved in the question. Bear in mind that we have never had this kind of policy before, the policy of the Government acquiring all privately owned lands in national parks. No bill to that effect has ever been introduced, so far as my information goes, in this body or in the other body. No committee of either body has ever considered the wisdom or unwisdom of that policy. Naturally, if a bill were introduced to that effect, it would go to the Committee on Public Lands and Surveys or it would go to the Committee on Public Buildings and Grounds, the policy would there be debated, and if it was adopted by both bodies, then the Committee on Appropriations would make the proper appropriations to carry out the policy and to comply with the authorization for the appropriations which the bill carries. But nothing of that kind has transpired. This is injected into an appropriation bill in the House and the Senate is told, "You can take it now or you will not have any appropriation."

Mr. President, I now come to the specific question and I want to indicate how far the Senate has gone in order to meet the attitude and position of the House with respect to this proposed legislation. We have gone almost the entire route. The bill, as it came from the House, contained a provision, as follows:

For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase, or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government.

The Senate, upon the recommendation of its Committee on Appropriations—the action of that committee being unanimous and the action of the Senate being unanimous—struck out the provision authorizing condemnation of lands in the national parks. That amendment went to the House. The question of agreeing to that amendment was the one which was submitted to that body and determined by the vote to which the Senator from Utah [Mr. SMOOT] has on a number of occasions referred.

The country was widely circularized, Mr. President, in opposition to this Senate amendment. Representations were made that the big trees of California were in peril. The good people all over the country were urged to rally to the support of those big trees and to protect them from ruthless destruction. The fact about the matter is that the big trees, so-called—that is, the giant sequoias—are within the Yosemite National Park upon lands that are not privately owned at all; they are on Government lands, and never were in the slightest peril. Those who were better informed about the matter said that instead of the big trees, the giant sequoias, being endangered, there was a group of very valuable white pine within the bounds of the Yosemite Park, and that that was in peril of immediate cutting by the lumber companies which owned the property. I put into the RECORD a telegram from the owners of that timber, to the effect that they had no purpose whatever of cutting any timber within the bounds of the Yosemite Park, at least, not before the month of May, 1930. So no trees within any of the parks were at any time in any peril whatever.

However, in order to show my interest in this matter and my desire to be accommodating, I suggested to the Senate conferees that they propose to the House conferees that the condemnation provisions of this bill should be made applicable to the Yosemite National Park only, so that the situation there, under any circumstances, could be taken care of. I assume that very likely the Senate conferees submitted that proposition to the House conferees and that was rejected.

I then proposed, Mr. President, as a further compromise of the difficulties, that the condemnation proceedings be applicable to all timber lands in any of the parks, but that proposition also was rejected.

Then, Mr. President, as a last attempt at adjusting these difficulties, I suggested the proposal which was subsequently adopted by the Senate, which would make the provision under consideration read, as follows:

For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase or as to any privately owned lands as are not now occupied exclusively for residence, hotel, or religious purposes by condemnation under the provisions of the act of August 1, 1888, whenever, in the opinion of the Secretary of the Interior, acquisition by condemnation proceedings is necessary or advantageous to the Government.

If that amendment proposed by the Senate should be acceded to by the other House, the Secretary of the Interior would have carte blanche to condemn any lands in any of the parks except such lands as are occupied for homes, for hotels, or for religious purposes.

There was another amendment proposed by the Senate, likewise unanimously recommended by the committee, and adopted by the Senate. We have already spent something like a million and a half dollars in the construction of what is known as the transmountain road in the Glacier National Park, over which tourists by automobile can go across the mountains. At the present time there is no road which will permit automobile traffic from the eastern part of the park to the western part of the park or that will permit the passage of automobiles traveling, we will say, from Minneapolis and St. Paul to the Puget Sound country, unless they shall go south from the Glacier National Park a distance of something like 200 miles. There is no other way of getting across the mountains. It will be understood that this park lies upon both sides of the summit of the main range of the Rocky Mountains, with no opportunity whatever to get across the mountains except by a detour of some 200 miles.

As I have stated, one and a half million dollars have already been spent in the construction of that road, which, when completed will be one of the scenic highways of the world. It is now completed to the very summit of the mountain. The work has been in progress some six years. Appropriations have been annually made to the amount of $5,000,000 for roads and trails in the national parks, and a certain portion of that appropriation has been allotted each year to the prosecution of this work.

But last summer a member of the Appropriations Committee of the House of Representatives, being out in that western territory, declared that not another dollar should be spent on the completion of that transmountain road until Congress should enact legislation which would authorize the acquisition by condemnation or purchase of all lands held in private ownership in the national parks. This provision now before us is the legislation which we were told and which the public was told by a member of the Committee on Appropriations of the House almost a year ago would have to be passed before that work would be resumed. So, Mr. President, the work goes on in all of the other parks, but is suspended for the present in the Glacier National Park by reason of this condition of things.

This bill likewise carries an appropriation of $5,000,000 for the construction of roads and trails in national parks, but the same member of the House committee went to the Director of the Park Service and exacted from him a promise that not a dollar of the appropriation of $5,000,000 should be spent on the completion of that transmountain road. So, although there is an appropriation in this bill of $5,000,000 for the construction of national-park roads, all in the discretion of the Secretary, there is a private arrangement between the Director of the Park Service and a Member of the House of Representatives that work shall be stopped on the transmountain road in Glacier National Park and not a dollar spent on it.

The Committee on Appropriations, disagreeing with that policy, put in another amendment which provided that the $5,000,000 so appropriated should be spent on the work of the completion of this road as well as other roads within the parks. In other words, they sought to cancel the agreement between the House Member and the Director of the National Park Service, and they provided that the appropriation should be used, among other purposes, "for the continuance of construction of the transmountain road in said Glacier National Park."

I merely refer to this, Mr. President, for the purpose of indicating that not only has this pressure been attempted to be put upon the Senate of the United States, but pressure is put upon the owners of the privately owned lands by the threat that if they will not sell at just such figure as the Government may see fit to offer, then there will not be any more work done on this transmountain road.

I think it is easily to be gathered from the remarks of the Senator from Utah that he is in entire accord with me as to the unwisdom of giving this great grant of power to the Secre-

tary of the Interior. The Senator from Utah knows the situation as to Glacier Park fairly well; he is a western man.

Let me remark, Mr. President, because so much has been made of the fact that I own an inconsequential little tract of about two-thirds of an acre of ground within the Glacier National Park, that there is a class of people there much more deserving and worthy of consideration than am I, who are benefited by this legislation. Prior to the time that this park was created in 1910 some two dozen or more families went into that area, then practically a frontier country, a wild country. Some 25 or 30 years ago they went in there and located homesteads within the park. Over in the western portion of the park there is a comparatively level area. The entire region is mountainous, but little areas can be cultivated, and homes can be made there. The two dozen or more people who went in there and took up homesteads eventually got patents to their lands. They have lived there all of these years; they have reared their families there; their children have grown up there and, naturally, they have a sentimental attachment for their homes, as everybody has or at least ought to have. Some of the finest sentiments that have ever been uttered by the poets have reflected the attachment of people to their homes. Those people still live there, and it is proposed now, although the Government does not want that land for any purpose whatever, to give to the Secretary of the Interior the power, at any time he sees fit, to condemn the homes of those people and turn them out upon the world with so much cash as a jury is willing to give them for their property.

Bear in mind, Mr. President, that if the Government wanted an acre of this ground or a lot of this ground for any purpose whatever, there would be no objection to it at all; but I repeat that the Government does not want the homes of these people for any purpose, and it passes my understanding why the Government wants to get them out of there.

As it is, they have a half dozen cows and sell milk and cream and butter to tourists within the park; they have chickens and sell eggs; they have little garden spots on which they raise vegetables which they sell to tourists. They occupy a region in the park that is not particularly noted for its scenic attractions, as might very readily be expected, those areas particularly valuable for their scenic attractions having no value whatever for agricultural purposes or as homes. I repeat that the Government does not want those homes for any purpose whatever, but somebody has got a whim, a notion, an obsession, that there ought not to be any private holdings in the national parks, and so the Secretary of the Interior is to be given power to condemn them.

We are told, however, that if we give this power to the Secretary of the Interior he will not exercise it as to these people. Well, if he will not exercise it, why should he have it?

But what is the fact? We are not without experience with respect to the operations of these great grants of power that are given to the departments. Of course, we all realize that the Secretary of the Interior is not going to be out in the Glacier National Park, or in the Zion Park in Utah, or in the Smoky Mountain Park down in Tennessee. He will have to act upon the recommendation of the local officials; and what does this mean? It means that whenever the superintendent of the park wants to get out of the park one of those homesteaders he will get the authority and the power to institute proceedings to condemn if he can not arrange a purchase from him.

In other words, Mr. President, there is a sword of Damocles held over the heads of these people all the time. They never know when shall come the day and hour when proceedings to condemn their lands will be taken. Under those circumstances how can they improve their property and spend money to make it a place of which they and the friends who come to see them shall be proud?

I repeat that this is a tyrannical thing; it has no justification whatever, and no defense can be made for it.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH of Montana. I do.

Mr. McKELLAR. How many times has the Senate expressed itself on this matter?

Mr. WALSH of Montana. The Senate expressed itself in the first place by putting in the amendment cutting out the condemnation.

Mr. McKELLAR. Yes.

Mr. WALSH of Montana. It expressed itself in the second place by adopting the amendment suggested by me, restricting it. That is twice that the Senate has voted against the policy of this bill.

Mr. McKELLAR. It is inconceivable to me that the Senate would change its resolution on this matter; and I believe that whenever it is submitted to the Senate for a vote the position that it has taken heretofore will be sustained again, because I think this conference report will be voted down.

Mr. WALSH of Montana. If I could get any assurance whatever that those sentiments are shared upon the other side of the Chamber, I should not trespass further upon the time of this body.

Reference was made by the Senator from Utah to the fact that the amendment as last proposed by the Senate was taken to the House and was voted down by a vote of 42 to 12.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following joint resolutions and acts:

On February 28, 1929:

S. J. Res. 111. Joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926;

S. J. Res. 206. Joint resolution to authorize the President of the United States to appoint a Yellowstone National Park Boundary Commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park;

S. 2068. An act for the relief of certain officers of the Dental Corps of the United States Navy;

S. 3590. An act to amend section 110 of the Judicial Code;

S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.;

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes;

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

S. 5193. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania; and

S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. WALSH of Montana. I yield.

Mr. SMOOT. Mr. President, the House has passed House bill 16209, to enable the Rock Creek and Potomac Parkway Commission to make certain changes in the boundaries of the park; and the Senate has passed Senate bill 5339, dealing with the same subject. I ask unanimous consent that the House bill be taken up and passed, and that Senate bill 5339 be taken from the Calendar and indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. COUZENS. Let the bill be read.

Mr. SMOOT. The Senate bill has already passed the Senate unanimously.

The PRESIDING OFFICER. The bill will be read.

The legislative clerk read the bill (H. R. 16209) to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding and selling therefrom certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes; that the House had receded from its disagreement to the amendment of Senate No. 17 to the bill and concurred therein, and that the House had receded from its disagreement to amendments Nos. 1, 13, and 15 and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 431) providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 675. An act to establish the Ouachita National Park in the State of Arkansas;

S. 1338. An act for the relief of James E. Jenkins;

S. 2360. An act relating to the tribal and individual affairs of the Osage Indians of Oklahoma;

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes;

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper;

S. 5684. An act to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes;

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 12351. An act amending section 72 of the Judicial Code, as amended (U. S. C. title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.; and

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium.

NAVAL APPROPRIATIONS

Mr. HALE. I ask the Chair to lay before the Senate the action of the House on the naval appropriation bill, as announced in the message just received.

The PRESIDING OFFICER laid before the Senate the action of the House, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
*February 28, 1929.*

*Resolved*, That the House recede from its disagreement to the amendment of the Senate No. 17 to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 1, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert the following: "exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training unless, as a condition precedent, they shall have been found by such agency as the Secretary of the Navy may designate qualified to perform combat service as pilots of naval aircraft, $4,740,000."

That the House recede from its disagreement to the amendment of the Senate No. 13, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

" : *Provided*, That of the appropriations contained in this act under the head of 'Increase of the Navy,' there shall be available immediately such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, including the purchase of plans, and the employment of additional clerks, draftsmen, and technical employees in the Navy Department and in the field owing to the construction authorized by the act of February 13, 1929".

That the House recede from its disagreement to the amendment of the Senate No. 15, and concur therein with an amendment as follows:

In line 9 of the matter inserted by said amendment strike out "$1,725,000" and insert in lieu thereof "$1,225,000."

Mr. HALE. I move that the Senate concur in the amendments of the House to the amendments of the Senate.

Mr. ROBINSON of Arkansas. Mr. President, does this represent a final agreement?

Mr. HALE. This represents a final agreement. There were four items that had to be voted on in the House under the House rules. One of them accepted the exact amendment made in the Senate, and the other three accepted the amendments with changes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

The motion was agreed to.

DEGREE-CONFERRING INSTITUTIONS IN THE DISTRICT—CONFERENCE REPORT

Mr. BLAINE. I ask unanimous consent for the consideration of the conference report on Senate bill 2366. The report is on the clerk's desk. I move that the report be approved. I may say that the managers on the part of both Houses are unanimous.

The PRESIDING OFFICER. The report will be read.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In lieu of the language inserted by the House insert the following:

"2. That any such degree shall be awarded only after such quantity and quality of work shall have been completed as are usually required by reputable institutions awarding the same degree: *Provided*, That if more than one-half the requirements for any degree are earned by correspondence, or extramural study, such fact shall be conspicuously noted upon the diploma conferred: *Provided further*, That no diploma shall be issued conferring a degree in medicine or any healing art, or in dentistry, for study pursued or work done by correspondence."

And the House agree to the same.

JOHN J. BLAINE,
D. O. HASTINGS,
ROYAL S. COPELAND,
*Managers on the part of the Senate.*

FREDK. N. ZIHLMAN,
CHARLES L. UNDERHILL,
THOMAS L. BLANTON,
*Managers on the part of the House.*

The PRESIDING OFFICER. Is there objection to the consideration of the report?

There being no objection, the report was considered and agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the motion of Mr. SMOOT that the Senate recede from its amendment numbered 39 to the bill (H. R. 15089), making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. WALSH of Montana. Mr. President, when the amendment last suggested by the Senate was taken to the House, it became the subject of discussion in that body—the first time that anything approaching the merits of the question involved was the subject of discussion in the House. It was participated in, against the amendment, by the Representative from Michigan, Mr. CRAMTON, and by the Representative from Colorado, Mr. TAYLOR. I do not care to comment on the remarks of the Representative from the State of Michigan, except to call attention to one sentence in his remarks, as follows:

In other words, it—

That is, the Senate proposal—

would forbid resort to condemnation in connection with a great part of the lands that are to be secured.

A report made to the House Committee on Appropriations by a representative of the Park Service indicated that, in all probability, the highest or almost the highest proportion of privately owned lands exists in the Glacier National Park, the amount there held in private ownership being represented to be 5,183.76 acres. That includes all lands held by homesteaders, by hotels, by religious organizations, and as summer homes, as well as all timberlands—5,183.76 acres.

Mr. COUZENS. What percentage is that of the whole?

Mr. WALSH of Montana. The Glacier National Park comprises 1,400 square miles, 896,000 acres, and 5,000 acres are

held in private ownership—less than one-half of 1 per cent of the land within that park. Anyone who knows anything about the situation knows that it is a perfect trifle in amount. For instance, most of these summer homes are about Lake McDonald, shown upon the topographic map that was exhibited here in the Senate a few days ago. That lake is about 10 miles long. It would, therefore, have a perimeter of about 25 miles.

There are five homesteads around that lake, making a frontage upon the lake, including the hotel property, of five times one-half a mile; that is, two and a half miles. That is to say, one-tenth of the lake frontage was, prior to the time the park was created, held in private ownership, and is now held in private ownership. That is to say, there is ten times as much lake front as ever was appropriated for private purposes.

But, Mr. President, I spoke about the hotels. Now, bear in mind—if I may speak about my own property—no one wants my property at all. The Government has no use whatever for it. If it has, it is perfectly welcome to it, and it would not need to resort to condemnation proceedings to get it; but it does not want it. It simply does not want me there; but it is inviting everybody to come and see these parks and to stay in the parks, and in order to do so people come to the Glacier National Park and they stay all summer. They stay during the entire season of three months, and when they do they must have some place to stay. There must be hotels in the parks.

The statement is made, "We do not allow people to hold lands in private ownership in Rock Creek Park. We do not allow people to hold lands in private ownership in Central Park in the city of New York." Certainly we do not, because we do not invite people to come there and stay there overnight, and stay weeks and months at a time within the park. If we did, we should have to provide housing for them.

As I say, the Government does not want my property. It wants to burn down my house, and then, if I go to the park, I must go to a hotel. Where is the sense of that sort of thing?

Moreover, under this bill, if it shall become a law as proposed by the House, the property of the hotel manager and owner will be subject to condemnation.

It is said that the Great Northern has purchased this hotel on Lake McDonald. It has a string of hotels on the eastern side of the park, but none on the western side; but what is the difference whether it is owned by Mr. Lewis, who now owns it, or whether it shall be owned by the Great Northern? By what right, upon what principle, can the Government seize that property and sell it to some one else whom it shall authorize to conduct a hotel there? What is the sense of it, and what is the reason for it?

I call attention again to this statement:

> In other words, it would forbid resort to condemnation in connection with a great part of the lands that are to be secured.

That is the sort of argument, spread out around the country, that has obtained for the House provision a great portion of the support which it has thus far commanded.

I wanted, however, to refer particularly to the comments of Representative TAYLOR. I read:

> No national park or State park or city park can be conducted in an orderly manner, and made a proper and orderly outing pleasure resort, if there are a lot of private property owners scattered all over it, capitalizing the opportunities of profiteering on the crowds, and conducting any kind of business or game to fleece the public, and without any control over them. These private property owners cause an immense amount of annoyance in these national parks.

The Senator from Ohio [Mr. FESS] told us the other day that he was fortunate enough to have an opportunity to visit the Glacier National Park. I congratulate him upon the opportunity he had, and I hope every Member of this body may seize the opportunity to see that great place some day; but I should like to ask the Senator from Ohio whether he discovered any such conditions in the Glacier Park when he was there?

Mr. FESS. No, Mr. President; I saw no evidence whatever of what the Senator has said.

Mr. WALSH of Montana. I have been going there for 30 years, and I can assure the Senate that there is no foundation whatever for the intimations thus made. I want to remind the Senate that the Congress of the United States has already granted to the Secretary of the Interior full power and authority to take care of any situation such as is here suggested. He is made the czar of every national park by general legislation. His word is law. He can make just exactly such rules as he sees fit for the government of the parks, the lands held in private ownership, as well as the lands that are owned by the public. No one can carry on any business there except in accordance with the rules and regulations prescribed by the Secretary of the Interior.

I read section 2 of the general act creating the Glacier National Park:

> That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same, which regulations shall provide for the preservation of the park in a state of nature so far as is consistent with the purposes of this act, and for the care and protection of the fish and game within the boundaries thereof. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding 10 acres in extent at any one place to any one person or company, for not to exceed 20 years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding one acre in extent and for not to exceed 20 years to persons who have heretofore erected or whom he may hereafter authorize to erect summer homes or cottages; he may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park.

We have established therein a commissioner, who exercises judicial powers, and all violations of the rules and regulations thus established by the Secretary of the Interior are subject to punishment before that tribunal.

We passed another act applicable to all the national parks; and bear in mind that in the case of every one of these national parks a condition precedent was that the State should surrender all authority and jurisdiction within it, so that the State has no power there at all. The jurisdiction is ceded to the National Government, and the Congress has reposed in the Secretary of the Interior the power to make all necessary rules and regulations, and he has just exactly the same power within the national parks that a city council would have to set up sanitary rules and regulations to govern everybody, without any regard to who owned the land in which they operated.

Section 3 of the act of Congress of August 25, 1916, provides:

> SEC. 3. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violations of any of the rules and regulations authorized by this act shall be punished as provided for in section 50 of the act entitled "An act to codify and amend the penal laws of the United States," approved March 4, 1909, as amended by section 6 of the act of June 25, 1910 (36 U. S. Stat. L., p. 857). He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation.

Mr. President, the Secretary of the Interior has not been lax at all in the enactment of such rules and regulations. I have before me a copy of the rules prescribed by him for the government of the Glacier National Park, from which I read, as follows:

> No person, firm, or corporation shall reside permanently, engage in any business, or erect buildings in the park without permission in writing from the director of the National Park Service, Washington, D. C.

Application for such permission may be addressed to the director through the superintendent of the park. So even with respect to the lands that are held in private ownership, a man can not erect a building upon them, unless he gets the permission of the Secretary of the Interior.

I have no doubt in the world that the authority is restricted by constitutional provisions of one kind or another, but, so far as it is necesary to carry out the general scheme for which the park was created, so far as becomes necessary for the sanitation of the park, and everything of that kind, he may exercise exactly the same police powers that a city government may exercise over the city. So that if there are any conditions in any of the parks such as is thus told of by the Representative from Colorado, the Secretary of the Interior is already clothed with all the authority and power to correct it.

I read further from Representative TAYLOR'S remarks:

> These private property owners cause an immense amount of annoyance in these national parks. They clamor to have the Government spend millions of dollars developing the parks for them to get the benefit of it, not only by enormously enhancing the value of their

property but enabling them to conduct filling stations, soft-drink joints and hot-dog stands, and any kind of a scheme to get the money, and with practically no restraint on them.

I might say the legislation also provides that all Federal laws defining acts as criminal are applicable in these parks that are under the exclusive jurisdiction of the United States. But the legislation goes further and provides that if there is any offense not defined by the laws of the United States, but is defined by the laws of the States within the exterior boundaries of which these parks may be, the State law shall be deemed applicable, and the offender becomes responsible in the Federal court to a violation of the State law if that authority can be granted.

Enabling them to conduct filling stations.

Filling stations can be erected in these parks just exactly where the Secretary of the Interior says they may be, and they can not be erected at all if the Secretary of the Interior forbids that they be erected there. Likewise as to—

Soft-drink joints and hot-dog stands, and any kind of a scheme to get the money, and with practically no restraint on them.

That is the kind of argument that is being made in support of this provision.

I advert to the suggestion:

They clamor to have the Government spend millions of dollars developing the parks for them to get the benefit of it.

I do not remember about any clamoring of any of the representatives from States in which these national parks exist for appropriations to develop them; but if they have clamored, they have done it in what now is charged and said to be a great public interest.

The idea is conveyed here, as it is elsewhere, that these people who live out in the West are rather peculiar people, with itching palms, ready to grab any and every thing that belongs to the Government of the United States. I am astonished that a Representative from the State of Colorado should be advancing that kind of an idea. However, the idea is conveyed that these people out in the West have no appreciation whatever for the beauties of their surroundings, that they are perfectly willing that they should be sacrificed to satisfy the greed or the avarice of some one.

The fact about the matter is that all of these parks were created at the instance of the people who live in those communities and who first brought their glories to the attention of the world. As I have heretofore stated, the Yellowstone National Park was first told of to the world by a party organized in my home town of Helena, and the story was told in an eastern magazine by a distinguished citizen of my State, Judge Cornelius Hedges, who came down here to the city of Washington away back in the seventies and stayed here until he got the act passed creating the Yellowstone National Park. So far as the Glacier Park is concerned, it was the people living about there who appreciated the beauties of it, who suggested to the Congress the establishment of that place as a park.

The Glacier National Park is distant about 40 miles from the city of Kalispell, in the State of Montana. I read from a letter dated April 18, 1907, addressed to the Senators from the State of Montana, praying for the creation of this national park, as follows:

KALISPELL, MONT., *April 18, 1907.*

Hon. THOMAS H. CARTER, *Washington, D. C.*
Hon. JOS. M. DIXON, *Missoula, Mont.*

DEAR SIRS: For healthfulness of climate, scenic beauty, natural wildness, and grandeur, the region at and in the vicinity of Lake McDonald is not excelled by any region on the American Continent. It abounds in rugged mountains, beautiful lakes and streams, numerous and immense waterfalls, and enormous glaciers of ice and snow. The region extends from Lake McDonald to the international boundary, embracing in its territory the main range of the Rocky Mountains and several spurs. Game, consisting of moose, elk, deer, goats, mountain sheep, and several varieties of bear and other fur-bearing animals, is now plentiful. The numerous lakes and streams teem with fish, mostly trout of several varieties. The region, except on the higher mountains, is mostly heavily timbered, some of the timber being marketable size, but the larger portion of it being small. This region, if preserved in its natural beauty and grandeur, with its timber kept free from ravage by the axman, is destined to become within the next future one of the greatest and most popular health and pleasure resorts within the United States.

Indeed it is now visited annually by people from all over the country and many go there, especially to Lake McDonald, and camp for the summer. The whole region now lies within the Government forest reserves and, as is well known, it is the policy of the Forestry Department to sell the matured timber on the reserves. Already some of the timber fiends have been after and others are contemplating going after the timber bordering on Lake McDonald. To despoil and devastate this most beautiful and grand region by denuding it of its timber would be almost a national calamity, and it is the object of this letter to interest you and your colleagues in Congress (each of whom is mailed a copy of this) in the matter, and prevent if possible the irretrievable ruin of this magnificent region, with the view and ultimate object of having the whole region made into a national park after proper investigation by the Government.

We most urgently urge that you take immediate steps to stop the sale of any timber in this region, especially in the vicinity of Lake McDonald, which is one of the most beautiful sections and is the gateway to all of the grand country mentioned beyond. The comparatively small amount the Government would receive from the sale of the matured timber would be exceedingly inadequate compensation for the vast damage and despoliation surely to be done by the cutting down and removal of the timber sold. Logging roads would have to be cut and run hither and thither through the forests and the slashings from the timber cut could not be piled and burned without seriously menacing and most likely eventually destroying the remaining younger timber, or a great portion of it. If the timber is to be saved and the natural beauty of the country conserved for the enjoyment of the people for all time, as it should be, prompt action in the matter is very necessary and imperative. As above stated, the timber "barons" already have their greedy eyes on the commercial timber and we have heard of one and there may be more applications now in to purchase. Owing to the fact that the timber around Lake McDonald would be easily and inexpensively logged, it will be about the first timber to be sought by the "barons." The citizens of the country and all over the State, as well as outside the State, realizing the calamity it would be to permit the devastation of this sublime wonderland and pleasure ground, are anxious that steps be taken immediately to prevent the sacrilege.

In conclusion, we beg to impress upon you the importance of this matter, not only to the present generation but to posterity as well, and also to the State and Nation. Again we beg you to enlist your efforts in our behalf, in behalf of the people, and to urge you to take immediate action to prevent the contemplated despoliation. With a view to assist you in the matter all in our power, we beg to say that we are mailing a copy of this letter to the President.

Very sincerely,

CONLON MERCANTILE CO.,
By JAMES CONLON, *President.*
MISSOULA MERCANTILE CO.,
By H. C. KEITH.
KALISPELL NATIONAL BANK,
By O. H. MOBERLY, *Cashier.*
J. E. ERICKSON, *District Judge.*
W. C. WHIPPS.
KALISPELL CHAMBER OF COMMERCE,
By GEO. F. SANNARD, *Secretary.*
W. H. GRIFFIN, *Mayor.*
BEE PUBLISHING CO.,
By LOU KNIGHT.
ANDREW SWANEY,
*Recorder United States Land Office.*
JOHN R. HILLMAN, *Receiver.*
JAS. R. WHITE, *Postmaster.*
THE CONRAD NATIONAL BANK,
By H. W. DICKEY.

Mr. Conlon owns a home within the park and wires me his protest against this legislation.

It is all wrong to imagine, Mr. President, that the people in that section of the country do not fully appreciate, and appreciate as keenly as the people in any section of the country, the necessity of preserving this park against spoliation or desecration of any kind whatever.

Let me continue the comment on the address of the Representative from Colorado. Mr. President, it is undoubtedly true that the completion of this transmountain road will enhance the value of the private holdings within the Glacier National Park. The actual entry upon the construction of the road has already operated to increase the value. Indeed, Mr. President, I undertake to say that the increased value has already taken place because it is realized as a matter of course that this work is not going to be permanently abandoned and that eventually it will go forward. But what of it, Mr. President?

At the present time, at much expense to the Government of the United States, Sixteenth Street in the city of Washington is being extended out into the country to the northward into the State of Maryland. Of course, that work is going to increase the value of the property along the line of that street and beyond it. But is that any reason why the work should not be undertaken?

The memorial bridge is now being constructed across the Potomac River and it has already increased and will in the

future increase greatly the value of lands over in the State of Virginia beyond the farther end of the bridge. But is that any reason why the work should not go forward?

Bear in mind that when the work was started five years ago the situation was no different than it is now. The simple question is: Shall the work stop and shall pressure be brought to bear upon the owners of these private lands by the threat that the work will not go on and it will be suspended there?

Mr. President, as I have said, we have already expended $1,500,000 in the construction of the road. We have done so because it is expected that returns will come to the people of the United States in some form or other by this work. That money costs us at least 4 per cent per annum so that as long as it lies there uncompleted the Government of the United States in effect is losing $60,000 a year in one form or another.

I continue:

If the people of these States containing so-called national parks do not want them, they should memorialize Congress to repeal the law creating them—

That is a splendid argument—

and if they do want a real national park, instead of a private graft—

Private graft—

they ought to help Congress and the National Park Bureau to put private enterprises out of them and make them real pleasure resorts free from private exploitation. What these Montana gentlemen want is to have the large number of private property owners in their national park exempt.

Exempt from what? These private-property owners by the express provision of the act creating the park pay taxes upon their property to the county of Flathead just the same as any other property owners within the bounds of that county.

They say in effect that they are exceedingly anxious for the Government to spend vast sums on building roads to enhance the value of their properties in the park and that if Uncle Sam wants any of it he will pay them whatever they see fit to ask for it, or let it alone.

There is no justification for anything of that kind. If the Government of the United States wants one acre of this land for any purpose it can have it. What we object to is the taking of the property when they have no purpose to which to put it whatever and they do not pretend that there is any purpose to which they desire to put it.

They are not even willing to let the Federal Government have the right of condemnation in their own courts and before their own juries. This House has twice emphatically disapproved of Montana's position. Then the gentleman tried to pass a special bill to exempt 73 acres belonging to a religious organization from ever being taken by the Government.

That was not true. Whenever the Government had any purpose to take this land, the religious organization no more than any other private owner was perfectly willing that they should take the property. They object to the Government taking it when they did not want to put it to any specific purpose.

The basic principle involved and what this House has twice decided is that no property in a park or anywhere else under our flag should ever be declared by Congress to be superior to the right of the Federal Government to take it for Government purposes, by an orderly proceeding in condemnation.

That is entirely beside the question. Whenever they want the land for any purpose whatever they are perfectly welcome to it and there is not going to be the slightest opposition to their taking it.

This affects not only the Glacier National Park, but all of the national parks. If Congress directly or tacitly or impliedly waives that Federal right of eminent domain in one park all of them will at once demand the same exemption.

It is absurd to talk about waiving the right of public domain. We do not ask any waiver of public domain. We simply ask if there is any desire to have the land for a particular purpose that the right of condemnation be restricted accordingly.

I have insisted and our committee have insisted that we should not waive the right of Uncle Sam to take any private property if necessary in any of the parks and should treat them all alike.

We are quite in accord upon that proposition.

Aside from the Yosemite, where it may become necessary, I do not know of any park where there is any present intention of resorting to any condemnation proceedings, but I am not willing by an act of Congress or otherwise to surrender the Government's right to do so if it should become necessary.

That is the kind of argument addressed to the House of Representatives with respect to this matter.

That it may be understood that the views I express with reference to this legislation are not by any means peculiar in myself, I read a resolution unanimously adopted by both houses of the Montana Legislative Assembly only a week or 10 days ago, as follows:

Whereas exclusive jurisdiction was ceded to the United States over and within all territory included in, or thereafter to be included in, that tract of land in the State of Montana, set aside by an act of Congress approved May 11, 1910, for the purposes of a national park, to be known as Glacier National Park; and

Whereas exclusive jurisdiction over said territory was ceded to the United States, reserving to the State of Montana the right to tax persons and corporations, their franchises and property included in said tract; and

Whereas the said Glacier National Park, at the time it was so ceded to the Government of the United States, included within its boundaries the homes of many of the citizens of the State of Montana, and their property, by means of which said citizens obtain their livelihood; and

Whereas it, the said Glacier National Park, contains property from which revenue is now being obtained by the State of Montana, and by several of its counties; and

Whereas the said Glacier National Park was established and jurisdiction thereof accepted by the Government of the United States, with full knowledge of such conditions, such property rights and such rights of the State of Montana, and its several counties, to obtain taxation revenue therefrom; and

Whereas it has come to the attention of the Legislative Assembly of the State of Montana, that there has been introduced in the National Congress a bill for an act the purpose of which is to provide for the taking of such property, by eminent domain, by the appropriate arm of the Government of the United States; and

Whereas the loss by the citizens of the State of Montana of their homes above described, and the loss of the property by means of which such citizens obtain their livelihood, and the loss of such right of taxation, above set forth, to the State of Montana and its several counties, can not be compensated by payment of the value of such property: Now, therefore, be it

*Resolved by the Legislative Assembly of the State of Montana*, That we do respectively protest against the enactment of such a law by the National Congress, in that its enactment would enable agents of the Government of the United States to perpetrate a breach of faith on the part of such Government with the State of Montana and with individual citizens thereof; and direct that copies of this resolution be forwarded by the secretary of state to the President of the United States, and to the Representatives and Senators of the State of Montana in Congress.

Approved by J. E. Erickson, governor, February 12, 1929.

Mr. President, reference is made in that resolution to what is charged to be a breach of faith to the people of the State of Montana, with respect to which I desire to say a few words. When the proposal was first made for the creation of this park the people to whom I have heretofore referred, residing in the western portion thereof and making their living there upon their homesteads, protested against being included within the park limits. They were even then apprehensive that some day or other somebody would contend that these lands ought to be acquired by the General Government and they would be driven from their homes. Accordingly, they proposed that the western boundary of the park, instead of being the central line of the north fork of the Flathead River, should pursue a course at the base of the mountain which would leave them outside of the park, and they were insistent upon thus restricting the area which was to be included within the park. Their opposition, however, was withdrawn upon the assurance that the Government of the United States never would inaugurate any such policy. Thus, Mr. President, the act passed under an implied agreement with those people that condemnation would not be resorted to in order to deprive them of their homes; and yet that is just exactly what is proposed by this bill.

What is it going to cost to buy all private holdings in all of the national parks? One would naturally think that before the Government embarked upon any such enormous enterprise of buying private lands its officials would try to get some kind of reliable information as to how much it was going to cost; but with respect to that we have only the most meager kind of information. I shall give the Senate whatever information I have about it, and that consists of a report submitted to the House Committee on Appropriations by a member of the force of the National Park Service. It is found at pages 349, 350, and 351 of the House hearings on the Interior Department appropriation bill.

I have independent information, Mr. President, that the figures given here are a mere guess, both as to the acreage involved and as to the amount that must be expended in order to acquire this property. It is represented, and I have no doubt correctly, that interested private parties are willing to put up a million dollars for the acquisition of these privately owned lands, the Government to meet that amount. So the bill makes an appropriation, for that purpose, of $250,000. It contains a further provision authorizing the Secretary of the Interior to enter into contracts for the acquisition of these lands, incurring obligations to the amount of $750,000 more. So that, in effect, the expenditure of a million dollars is authorized by this bill toward the acquisition of those lands. How much will it take?

On yesterday the Committee on Public Lands and Surveys approved a bill to extend the area of the Yosemite National Park in the State of California so as to include within its exterior boundaries an area that is heavily timbered by white pine, which is now commanding in the market a very high price, owing to the rapid extinction of that very desirable timber tree. So, as I say, the figures given in this report are only suggestive of the amount of the obligations that this will impose upon the Treasury of the United States. This, however, is what the report states:

Exclusive of mineral claims, complete data on which is not yet available, alienated land and timber holdings in the national parks total 92,101.84 acres, of which 2,935 acres are involved in power-site withdrawals, which may be subject to cancellation in whole or part, 47,662.19 acres are in State ownership and for the most part acquirable by lieu exchange, and 2,321.82 acres of lands in Yosemite, owned by the city and county of San Francisco and subject, in whole or part, to conveyance to the United States under terms of the so-called Raker Act of December 19, 1913, granting certain power and water privileges to the city and county, leaving 39,182.83 acres to be acquired through purchase or donation.

That is, the Government is going to go out and purchase practically 40,000 acres of land; and it is going to give up assets which it now has in one form or another sufficient to acquire practically 100,000 acres of land within these parks.

I stated a moment ago that a proposition of that kind ought to go to some committee of the Congress for consideration other than directly to the Appropriations Committee.

But bear in mind, Mr. President, this does not include mining claims; this is exclusive of mining claims. I have been told, for instance, by the junior Senator from the State of Washington [Mr. DILL] that mining claims in the Rainier National Park are asserted by locators; and more particularly I am advised by the Delegate from Alaska that within the Mount Washburn National Park in Alaska there are any number of mining claims. We have no information at all as to their extent or number, but more particularly we have no kind of information as to what it is going to cost to acquire these mining claims.

Of course the locator of a mining claim is always an optimist; he would not go out into the hills and live the hard life of the prospector, if he were otherwise. He thinks, and thinks very honestly, that his property is immensely valuable; that if he could only get the money to work it, to sink a shaft or to run a drift or a tunnel, he would be a millionaire. Anyway, Mr. President, this property is to be acquired; it is to be acquired by condemnation; and the value of it is to be submitted to a jury for determination. So, I say that we have no kind of an idea of the extent of the obligation that this implies. I continue to read from the hearings:

Of the latter acreage, 3,207.77 acres represent timber rights held by the Yosemite Lumber Co. on Government-owned land, and 150 acres represent land only on which the Government owns the timber, both parcels being in Yosemite National Park. The remaining 35,825.06 acres is classified as follows: Timberlands, 18,704.49 acres; nontimberlands, 15,455.45 acres; and town sites and villa sites, 1,665.12 acres.

Lands classified as timberlands are those lands containing timber of merchantable value by reason of species and character of timber, accessibility, and character of terrain as affecting logging operations. Of the 21,912.26 acres of timberlands and timber rights privately owned, 8,887.83 acres are in Yosemite, 5,183.76 in Glacier, 4,429.55 in Rocky Mountain, 1,946.27 in Crater Lake, 640 in Lassen Volcanic, 520 in Sequoia, and 304.85 in Mount Rainier. Of the 8,887.83 acres of such lands in Yosemite, 7,213.40 acres are in the hands of a logging concern which has been lumbering in the region since 1912, but which closed down in the fall of 1927 because of unfavorable market conditions. Resumption of cutting may be expected in 1929 unless some means is found for acquiring these holdings. No active timber operations are in progress in other parks at the present time.

Of course, whatever expectations may ever have been indulged as to cutting operations in 1929, as suggested in this report, have been dispelled by evidence which is now before the Senate that there is no purpose on the part of the owners of those lands to begin any cutting.

The designation of certain lands as nontimberlands does not necessarily mean that lands so designated do not contain timber. Lands so listed are those whose primary value lies in their suitability for resort development purposes or their strategic location with respect to park administration. Of the 15,455.45 acres of such lands, 5,158.74 acres are in Glacier, 3,491.32 in Rocky Mountain, 2,164.82 in Yosemite, 1,359.60 in Lassen Volcanic, 1,291.22 in Sequoia, 790 in Mesa Verde, 586.25 in Zion, 432.16 in Grand Canyon, and 180.74 in Mount Rainier.

One holding is designated as land only. This is a tract of 150 acres in Yosemite the timber on which was acquired in 1923 from J. B. Curtin in an exchange with the Yosemite Lumber Co., the owner at the time refusing to convey the land, which was the key to certain grazing rights both inside and outside the park in that area. The tract is located at Crane Flat, astride the present Big Oak Flat Road, and will be equally as strategically located with respect to the new road when built. It has great potential value for tourist-resort development or for subdivision into summer-home sites.

One thousand six hundred and sixty-five and twelve one-hundredths acres of land has been or is being subdivided into town sites and summer-home sites. Except for the logging situation in Yosemite, these holdings constitute the greatest immediate menace to park administration, protection, and development. As the timberland menace is most pronounced in Yosemite, so is the summer-home site evil at its worst in Glacier, where at both ends of Lake McDonald nearly 200 individual owners have erected flimsy, unattractive structures, presenting a striking example of landscape despoliation; 597.50 acres of land is involved in the two subdivided areas at either end of the lake, both areas being traversed by the new transmountain road, the final completion of which has been deferred pending acquisition of control of these holdings by the Government.

There is the statement made by this representative of the Park Service to which I alluded a while ago that work on this road has been suspended until these private holdings have been acquired.

Moreover, Mr. President, I call attention to this remark:

As the timberland menace is most pronounced in Yosemite, so is the summer-home site evil at its worst in Glacier, where at both ends of Lake McDonald nearly 200 individual owners have erected flimsy, unattractive structures, presenting a striking example of landscape despoliation.

The artistic sense of the writer must have been overdeveloped to find any such structures at either end of Lake McDonald. The truth about the matter is that in these buildings, so classified and so designated, there is a beautiful hotel of rustic architecture that has been admired by everybody who goes to the park and sees it. In addition to that most of the homes referred to here are neat structures, quite appropriate to summer residence, where the tourists go for a brief period of not to exceed 3 months at the outside out of the 12.

I continue:

Even larger areas and a larger number of individual owners are involved in similar subdivisions in the Yosemite.

I hurry through, Mr. President, to give such information as I have concerning what this means in dollars and cents to the Government of the United States.

This report says:

The total estimated present value of all alienated holdings, except mineral claims, power sites, and State lands, is placed at $5,810,261.29—

Note, Mr. President, that is the estimate of the value of these properties, exclusive of mineral claims, power sites, and State lands—

divided among the various parks as follows: Glacier, $1,553,763.57; Yosemite, $1,510,846.80; Rocky Mountain, $1,076,350; General Grant, $479,062; Lassen Volcanic, $475,100; Mount Rainier (including mineral claim appraised at $100,000), $337,919; Crater Lake, $147,119.92; Sequoia, $125,200; Grand Canyon, $84,550; Mesa Verde, $11,850; and Zion, $8,500.

I undertake to say, Mr. President, that $10,000,000 will not cover the cost of acquiring these lands if this legislation should go through.

Mr. President, I desire to conclude; and I wish to remind the Senate of the United States that not one word has been uttered upon this floor by anybody in support of the motion now made by the Senator from Utah that the Senate recede from its amendment. All that the Senator from Utah can say about the matter is that if we do not do it, there will not be any bill.

No one has endeavored to justify or excuse or defend this policy of taking away the homes of these people. Nobody has undertaken to show that there is any necessity to do it. No-

body has made any argument whatever against the wisdom of the position taken by the Senate with respect to the matter.

I want to remind the Senate now of the circumstances to which I adverted in the Senate. This appropriation bill originates in the House of Representatives. This general legislation is put on in the House of Representatives, put on in defiance of the rules of the House of Representatives, put on in defiance of the rules of the Senate, put on this bill in defiance of the Budget law, which requires in all of these cases involving the expenditure of money by the Government of the United States that the matter shall be referred to the Budget Bureau for a report on it. It never has been submitted to the Budget Bureau. They have never had it under consideration at all. In these circumstances, it seems to me a very weak argument to say that if we do not surrender our views about this matter there shall be no legislation at all, particularly when we have gone as far as we have gone in order to accommodate ourselves to the views entertained over in the House with respect to this particular matter.

Full power and authority is given to acquire any of these lands, of any character whatever, by purchase. Full power would be given to acquire any of these lands by condemnation except the relatively limited area of lands that are used for residence, hotel, or religious purposes; and it does seem to me that it does not comport with the dignity of this body to make any further recession in this matter.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on the motion of the Senator from Utah [Mr. SMOOT].

Mr. WALSH of Montana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Edge | King | Sheppard |
| Barkley | Edwards | McKellar | Shortridge |
| Bayard | Fess | McMaster | Simmons |
| Bingham | Fletcher | McNary | Smith |
| Black | Frazier | Mayfield | Smoot |
| Blaine | George | Metcalf | Steiwer |
| Blease | Gerry | Moses | Stephens |
| Borah | Glass | Neely | Swanson |
| Bratton | Glenn | Norbeck | Thomas, Idaho |
| Brookhart | Goff | Norris | Thomas, Okla. |
| Broussard | Hale | Nye | Trammell |
| Bruce | Harris | Oddie | Tyson |
| Capper | Harrison | Pine | Vandenberg |
| Caraway | Hastings | Pittman | Wagner |
| Copeland | Hawes | Ransdell | Walsh, Mass. |
| Couzens | Hayden | Reed, Pa. | Walsh, Mont. |
| Curtis | Heflin | Robinson, Ark. | Warren |
| Dale | Jones | Robinson, Ind. | Waterman |
| Deneen | Kendrick | Sackett | Watson |
| Dill | Keyes | Schall | Wheeler |

The PRESIDING OFFICER. Eighty Senators having answered to their names, there is a quorum present.

Mr. WALSH of Montana. Mr. President, for the information of those who have not been in the Chamber, as a vote on the pending matter is about to be taken, I desire to say that the question is upon the motion of the Senator from Utah [Mr. SMOOT] that the Senate recede from its amendment numbered 39 to the Interior Department appropriation bill. Those who are in favor of giving to the Secretary of the Interior full power to condemn any lands in the parks will vote in the affirmative. Those who desire to restrict his power so that it shall not include the right to condemn lands occupied for homes or hotels or for religious purposes will vote in the negative.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. SMOOT].

Mr. SMOOT and Mr. WALSH of Montana called for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. KING (when his name was called). Upon this vote I have a pair with the senior Senator from Vermont [Mr. GREENE]. In his absence, I withhold my vote.

Mr. McNARY (when his name was called). Upon this vote I have a pair with the senior Senator from Missouri [Mr. REED]. If he were present he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. NORBECK (when his name was called). On this question I am paired with the senior Senator from Minnesota [Mr. SHIPSTEAD]. In his absence, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. BURTON]. In his absence from the Chamber I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. TYDINGS (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. GILLETT]. If he were present and I were permitted to vote, I should vote "nay," and he would vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I assume that that Senator if present would vote "nay." If I were permitted to vote, I would vote with the committee and vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce that my colleague [Mr. BURTON] is detained from the Senate. He is paired with the senior Senator from North Carolina [Mr. SIMMONS].

Mr. GEORGE. I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I am unable to obtain a transfer, and therefore withhold my vote. If I were privileged to vote, I would vote "nay."

Mr. GERRY. I wish to announce that the Senator from Iowa [Mr. STECK] is paired with the Senator from Wisconsin [Mr. LA FOLLETTE] on this question.

The result was announced—yeas 23, nays 50, as follows:

YEAS—23

| | | | |
|---|---|---|---|
| Ashurst | Goff | Metcalf | Schall |
| Bingham | Hale | Moses | Smoot |
| Curtis | Hastings | Oddie | Vandenberg |
| Deneen | Hayden | Reed, Pa. | Waterman |
| Fess | Keyes | Robinson, Ind. | Watson |
| Glenn | McMaster | Sackett | |

NAYS—50

| | | | |
|---|---|---|---|
| Barkley | Dale | Kendrick | Steiwer |
| Bayard | Dill | McKellar | Stephens |
| Black | Edge | Mayfield | Swanson |
| Blaine | Edwards | Neely | Thomas, Idaho |
| Blease | Fletcher | Norris | Thomas, Okla. |
| Borah | Frazier | Nye | Trammell |
| Bratton | Gerry | Pine | Tyson |
| Brookhart | Glass | Pittman | Wagner |
| Broussard | Harris | Ransdell | Walsh, Mass. |
| Bruce | Harrison | Robinson, Ark. | Walsh, Mont. |
| Capper | Hawes | Sheppard | Wheeler |
| Caraway | Heflin | Shortridge | |
| Copeland | Jones | Smith | |

NOT VOTING—22

| | | | |
|---|---|---|---|
| Burton | Howell | McNary | Simmons |
| Couzens | Johnson | Norbeck | Steck |
| George | King | Overman | Tydings |
| Gillett | La Follette | Phipps | Warren |
| Gould | Larrazolo | Reed, Mo. | |
| Greene | McLean | Shipstead | |

So the Senate refused to recede from amendment No. 39.

Mr. SMOOT. Mr. President, I move that the Senate further insist upon its amendment, ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. CURTIS, Mr. KEYES, Mr. HARRIS, and Mr. McKELLAR conferees on the part of the Senate.

ADDRESS BY SENATOR WALTER F. GEORGE, OF GEORGIA

Mr. HARRIS. Mr. President, on last evening my colleague, in an able address before the Southern Club of Boston, discussed subjects of great public interest. I ask unanimous consent that his address, as published in the Atlanta Journal, may be printed in the RECORD.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Without objection, it is so ordered.

The address follows:

[From The Atlanta Journal of Saturday, February 23, 1929]

GEORGE RECALLS HENRY GRADY IN BRILLIANT SPEECH BEFORE SOUTHERN CLUB OF BOSTON

By Harllee Branch

BOSTON, MASS., February 22.—One of the finest and most stirring orations delivered in Boston since the famous speech of the immortal Henry W. Grady, of Georgia, thrilled the people of this city and the entire country 40 years ago, was the address delivered Friday evening before the Southern Club of Boston, by United States Senator WALTER F. GEORGE, another brilliant and eloquent Georgian, who spoke before the same organization addressed by Mr. Grady.

Senator GEORGE's address was delivered at a banquet which the club held at Hotel Somerset in commemoration of the birthdays of Gen. George Washington and Gen. Robert E. Lee, two of the South's most illustrious sons.

In the course of his reference to Washington Senator GEORGE said: "His name and his fame yet fill and will fill to the latest time the brightest page in our country's history, and on that page the orators and statesmen, the scholars and historians of the old Commonwealth of Massachusetts have contributed their indelible lines. Whatever else fails, the fame and name of Washington is secure."

Senator GEORGE's tribute to Lee included the following: "Always a soldier, and at last very eminent as a soldier, he was, nevertheless, the finest example of the Christian soldier and gentleman produced by any

age or any country. He never sunk the man into the mere military man, and his letters to his wife, even from the field of battle, approach the exalted character of sacred literature."

RECALLS HENRY GRADY

The Georgia Senator recalled the visit and speech of the lamented Grady and that in the course of it he had reminded his Boston hearers of the difficulties of the race problem and had given "sincere assurance of the South's purpose to solve it in justice to the black man and white man alike."

"Perhaps," said Senator GEORGE, "we have not completely solved the problem, but for 40 years we have been on the road to solving it in honor and in justice to both races. To sensitive souls it exists as a problem, but the South does not now think of it as a problem. We are mindful that all suspicion has not yet been allayed, but the final answer is slowly but surely being made in the steady progress of the men and women of both races in the South.

"Side by side the races are working out the problems of our civilization. The leaders of both races understand, whatever may be the lack of understanding elsewhere, that the South has been compelled to recognize the law to which men and nations have ever responded—the necessity of preserving the civilization of the South."

ADDRESS OF SENATOR GEORGE

Mr. President, members of the Southern Club, ladies, and gentlemen, 197 years ago a child was born in Westmoreland County, Va. That child became the commander in chief of the Revolutionary Army in the War of Independence; the president of the Constitutional Convention of 1787 and the first President of the United States. Agreeably to a practice long observed in the Senate of the United States, a distinguished colleague to-day read the Farewell Address of President Washington.

In the closing year of the eighteenth century that son of Virginia died, well deserving then and now the famous eulogy spoken by John Marshall, though penned by another, "First in war, first in peace, and first in the hearts of his fellow citizens." The author of the eulogy bore the honored name of Henry Lee, a soldier and officer under Washington in the Continental Army, later a Member of the House of Representatives in the Congress of the United States, and Governor of the State of Virginia. Henry Lee was a compatriot in the Virginia convention of James Madison, John Marshall, Edmund Randolph, Patrick Henry—"the forest-born Demosthenes"—George Mason, Benjamin Harrison, and William Grayson. An ardent Union man, he nevertheless favored the famous Virginia-Kentucky resolutions of 1798–99, and said in debate: "Virginia is my country; her will I obey, however lamentable the fate to which it may subject me." It was in this prophetic school that his fourth son by Anne Carter Lee, his second wife, Robert Edward Lee, was reared. The 19th of January past 122 years ago, Robert Edward Lee was born in the State of Virginia and in the county of Westmoreland. Is there a country, is there a State, is there a county that has produced greater men than historic old Westmoreland? There were born Washington; James Madison, who from the tent of Washington forecasted the Constitution; James Monroe, whose bold declaration is yet the basis of our Latin-American policy; Charles Lee, Washington's Attorney General; Arthur Lee, an accomplished diplomat who negotiated the treaty between France and the Colonies in 1777.

Is there a house in any land like old Stratford house, in this same county of the Old Dominion, where in the same room was born Richard Henry Lee, the mover of the Declaration of Independence; Francis Lightfoot Lee, one of the signers of the Declaration; Sidney Smith Lee, one of the ornaments of the American Navy; and Robert Edward Lee, the pathetic leader of the lost cause, the supreme military genius of our country, the kindly Christian gentleman, "the knightliest of the knightly race."

To an American audience—to the Southern Club of Boston—it is idle to recount the incidents and events of the life, character, and the enduring public service of Washington. His name and his fame yet fill and will fill to the latest time the brightest page in our country's history, and on that page the orators and statesmen, the scholars and historians of the old Commonwealth of Massachusetts have contributed their indelible lines.

The present high position—the expanding power of the Nation—places the name of Washington easily among the foremost names of history. Whatever else fails, the fame and name of Washington is secure. One other name stands beside the name of Washington—that of Abraham Lincoln—and the name of Robert Edward Lee is linked with the imperishable memory of Lincoln. Truly, as has been said, more American hearts, North as well as South and South as well as North, are thinking more kindly of Lincoln and Lee than any of the other great names rolled into notice by the greatest martial conflict in the history of the Republic. To you, my fellow citizens of the Southern Club of Boston, I need not bring the assurance already given by a distinguished son of the South that there is not a foot of ground beneath Dixie's sky to-night whereon the great Lincoln, were he in life, could not lay his head and sleep in peace, well guarded by the sons and daughters of those who followed Lee.

The incidents and events in the life of George Washington are familiar to all Americans, even to the children in the schools; so also are the incidents and events in the life of Robert Edward Lee, especially to those whose lines run back to the States of the old South. By profession a soldier, a West Pointer, he fought in the Mexican War under Scott and surrendered his commission in the Army of the United States when Virginia called him, responsive to the sentiment of his father voiced in the Virginia convention. Always a soldier, and at last very eminent as a soldier, he was nevertheless the finest example of the Christian soldier and gentleman produced by any age or by any country. He never sunk the man into the mere military man, and his letters to his wife, even from the field of battle, approach the exalted character of sacred literature.

The objective of Washington was to establish the Union; the objective of Lincoln was to preserve it. Lee, the great soldier, called to lead the armies of the South in that irrepressible conflict regarded as sectional because it unhappily revolved around the institution of slavery in America, at the end of the conflict reminded the South that we were once again Americans, and by fine precept and high example led in the restoration of the Union in the hearts of Southern men and women. He never spoke in bitterness of his foe even in the midst of conflict. He fulfilled the prophetic utterance of Lincoln when he became the leader in the "chorus of the Union."

Nearly 40 years ago a distinguished citizen of the State of Georgia came to Boston. That fair empire to the South, in which the roots of your membership are firmly fixed, had then but lately emerged from civil war; from a state of destitution and desolation never before witnessed upon so wide a scale in America.

Among other things, Mr. Grady reminded his Boston audience of the difficulties of the race problem, upon which he had been bidden to speak, and in eloquent phrase gave sincere assurance of the South's purpose to solve it in justice to the black man and white man alike. Perhaps we have not completely solved the problem, but for these 40 years we have been on the road to solving it in honor and in justice to both races. To sensitive souls elsewhere it exists as a problem, but the South does not now think of it as a problem. We are mindful that all suspicion has not yet been allayed, but the final answer is slowly but surely being made in the steady progress of the men and women of both races in the South. Side by side the races are working out the problems of our civilization. The leaders of both races understand, whatever may be the lack of understanding elsewhere, that the South has been compelled to recognize the law to which men and nations have ever responded—the necessity of preserving the civilization of the South.

On the occasion to which reference has been made, Mr. Grady deplored the absence of New Englanders in our midst. Your sons have now come to us and are coming in increasing numbers. They have been welcomed in every part of the South. Our sons have likewise gone out into all parts of the country, and many of our negroes have taken up their abode in New England, the East, and in the West. In the providence of God this migration is helping to the final solution of the problem of which Mr. Grady so eloquently spoke.

On the occasion of his visit the distinguished speaker drew the picture of a Georgia funeral. He then reminded his audience that the grave was made in the midst of a marble quarry, in the heart of a pine forest, but that the casket was imported from Cincinnati, and the little tombstone above the grave from Vermont. The grave was made within touch of an iron mine, but the nails in the casket and the steel in the implements with which the grave was made were imported from Pittsburgh. Said Mr. Grady, "the South furnished the corpse and the hole in the ground."

The steel in the implements and the casket are now welded in southern forges, made of the ore taken from the sides of the Georgia mountain. The funeral shroud is now woven of the fiber of our fields. In that wondrous domain cotton is no longer king but he is a loyal subject; and each recurring autumn hangs out his snowy signals of surrender to the nimble fingers of a contented people. The hum of New England spindles, transplanted to a more genial clime, I may without offense remind you, is now heard in the South, and the loom that was once New England's responds to the deft touch of Southern hands. The factory has been builded in the midst of the cotton field; it has prospered and multiplied under equal laws, justly administered; it has lightly felt the burden of reasonable taxes fairly adjusted to the necessity of government; it has responded to the touch of abundant labor supply drawn from the homes of the fields and plains and mountain valleys of the South. We have asked nothing of the owner of the New England mill, who has builded his industry in the South as an important unit in the new industrial expansion of the section, which has not been asked of the southern-born man who first ventured his capital in a like enterprise. We ask both to remember that the fiber used in their mills drew its strength from the fertility of our soil and has in its the hope and faith of mothers, the courage and fortitude of fathers, and the laughter and tears of children.

Since Appomattox we have called the world to witness the "indestructible union of indestructible States." The political entity of the former and the geographic lines of the latter may well be regarded as secure. But our objective is yet to preserve the Union.

If section is to be arrayed against section, race against race, creed against creed, the foundations of the Union for which Washington fought are threatened.

If States are to be submerged, their initiative, self-reliance, and power lost to an overshadowing general Government exercising control of the instrumentalities of our social and economic life, the States for which Lee drew sword are endangered.

The old theory of the right of the State as it was asserted prior to 1861 was submitted to the arbitrament of the sword. That theory has passed away, but the question remains and will remain as long as our dual system survives. In its present form the problem is how to give to the Federal Government those general powers which it alone can properly exercise for the well-being of all the people, and at the same time reserve unimpaired to the States those powers over the daily life and activities of the people within the several States which the States alone can safely exercise. History proclaims one truth: Free government rests at last on local self-government. In a satisfactory sense the freedom of the individual can not be made secure except under government administered by local authority and responsive to local opinion. I engage in no captious criticism, but many of the regulations, if not indignities, to which the citizen is subjected by the Government far removed from him in its attempt to administer laws deemed by Congress necessary to the common weal, would have been regarded and resisted as tyranny by the leaders of American thought all the way from Washington to Lee.

While the struggle for wealth goes on we are no longer disturbed by the task of creating it in the country of Washington. Here we have made the machine, the instrument of the industrial revolution, our friend. We have pushed our frontiers westward to the Pacific and to the islands in the sea and northward to Alaska. The initiative, energy, and unconquerable will of the people, inspired and strengthened by the genius of our free institutions, have given to us the commanding position in the progress and material civilization of the world. Statistics everywhere compiled and on every hand available disclose the magnitude of our income and wealth. At the present peak we face the age-old problem of how to distribute justly this wealth among the masses of free men.

It will not suffice to assert that the classes, so-called, are merely the naked trustees of the vast wealth accumulated in America and the masses, so-called, are in fact the beneficial users of that wealth. In large measure we have democratized art, science, literature, and many of the finer things that make life worth while. The social advantages and benefits of accumulated wealth with us can not be denied the masses it is true; yet the concept underlying our institutions, the basic philosophy of our free constitution, which has shaken thrones and empires over the world, is not compatible with a state of economic dependence in the United States, though the dependents are the unavoidable beneficiaries of unparalleled wealth in the hands of the few. The question raised can not be satisfactorily answered by taking the map and noting the course of empire across the continent; by tabulating our railroad mileage, by computing our banking capital, nor yet by taking account of our import and gratifying export trade balances.

At bottom the struggle is spiritual, though the immediate factors are economic. Spiritual values are at stake, though the immediate battle has to do with wages, social betterment, and the equitable distribution of material things among those who labor.

Less government of the wrong sort is always desirable; but the imperative demand of the present time is the vigorous and effective use of the powers of government both local and general to the end that the powerful may not take from the mouth of labor the bread it has earned, may not break the spirit of the average man by reducing him to an insensible cog in the modern economic and industrial machine. It is always desirable to keep government out of private business, but the paths of opportunity must be kept open to the feet of the humblest under the flag if government in its objectionable sense is to be kept out of business hitherto regarded as "private."

It is a matter of sober gratification that so many material blessings have been and are yet enjoyed by the people in America. Education, which lay so close to the heart of Washington, has become almost universal, and facilities for its spread are constantly multiplying and expanding. On the whole, our political theories of liberty have survived with slight impairment. So likewise spiritual values have been retained. At the present peak of our industrial and economic power the precept and example of Washington, who put aside the kingship which a generous people were ready to offer, are of supreme importance to his countrymen. In this hour when the unchecked and dangerous spirit of speculation in stock market and exchange brings concern to men and women of sanity, though recent manifestations of it in our country have been obligingly approved by the press in certain quarters, we may well consider the fine example of General Lee, who, though reduced in worldly circumstances, declined a princely salary tendered by a corrupt enterprise for the use of his honored name with the inspiring statement: "For four years the Confederate soldiers taught me how to die, and by the grace of God I will teach their sons how to live."

THE CALENDAR

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senate will now proceed to the consideration of unobjected bills on the calendar, beginning at the point where the Senate previously left off.

RELIEF BILLS BEFORE THE COMMITTEE ON MILITARY AFFAIRS

Mr. REED of Pennsylvania. Mr. President, a very large number of Members of the Senate are interested in special relief bills which have been sent by the House to the Senate within the last two days. I want to explain to Senators why it is that it is not practicable to poll the Senate Committee on Military Affairs on those special bills. I think in justice to Senators who have asked that that action be taken I ought to make the explanation public.

We have had over 1,000 bills during the present Congress referred to the Committee on Military Affairs. For many years it has been our practice to refer private relief bills to subcommittees and it is only fair to the members of the committee to say that as subcommittees they have worked long hours and many evenings in the study of those bills. Whenever a bill has been studied that way it is reported to the full committee and it is given a very real consideration by the full committee. As I said, we have had over a thousand bills referred to the committee up to the end of last week. The committee spent most of last Friday and Saturday in a final effort to clean them up.

Now a very large number of new bills come over from the House and it is impossible for the members of the committee to get the time, in the paroxysm of the closing hours of the session, to give those bills the sort of study to which all the others have been subjected. When it is claimed that highly meritorious bills have passed the House and ought now to be considered by the Senate, I beg Senators to remember that the House has taken all of two years to consider those bills and sends us now a great batch of them, so that it is utterly impossible for the Senate Committee on Military Affairs to consider them with that sober earnestness and seriousness which the Senate is entitled to expect of our committee when it makes a report.

For that reason I have said to every Member of this body who has spoken to me, and there must have been 25 Senators who have asked a poll of the committee—and I have said it to every one, whether Republican or Democrat, Senator or Member of the House—that to the best of my ability I would prevent the committee from being polled, that if any bill is polled in the committee I shall object to its consideration on the floor. I intend to fight that, whether it is a bill in which I, myself, am interested or in which any friend of mine is interested. That decision will not be varied from. The House has no one but itself to blame if bills are not considered here when they are not sent over here until during the last three days of the session.

The PRESIDING OFFICER. The clerk will state the first bill on the calendar under the unanimous-consent agreement.

BILL PASSED OVER

The bill (S. 5648) to amend section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, as amended, was announced as first in order.

Mr. McKELLAR. Mr. President, in the absence of the Senator from Kansas [Mr. CAPPER] the bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

UNITED STATES VETERANS' HOSPITAL, SUNMOUNT, N. Y.

The bill (H. R. 9966) to provide for the reimbursement of certain patients at the United States veterans' hospital, Sunmount, N. Y., for loss and damage to personal effects was considered as in Committee of the Whole.

Mr. BRATTON. Mr. President, I desire to offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Add a new section, as follows:

That the first sentence contained in the second paragraph of section 19 of the World War veterans' act, 1924, as amended, is further amended by striking out the words "within one year from the date of the approval of this amendatory act" and inserting in lieu thereof "prior to May 29, 1930," so as to make the bill read:

*Be it enacted, etc.*, That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed to reimburse, out of the appropriation for medical and hospital services, those patients at United States veterans' hospital, Sunmount, N. Y., who suffered loss and damage to their personal effects on May 27, 1927, through the explosion of a rubber gasket in the high-pressure steam line passing through the storage room at that hospital: *Provided*, That the total amount paid hereunder shall not exceed $420. That the first sentence contained in the second paragraph of section

19 of the World War veterans' act, 1924, as amended, is further amended by striking out the words "within one year from the date of the approval of this amendatory act" and inserting in lieu thereof "prior to May 29, 1930."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRATTON subsequently said: Mr. President, in connection with the amendment adopted to H. R. 9966 I ask to have printed in the RECORD a letter from Mr. Frank T. Hines, Director of the United States Veterans' Bureau.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
*Washington, February 27, 1929.*

Hon. SAM G. BRATTON,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR BRATTON: Further reference is made to your letter of February 14, 1929, transmitting a copy of S. 5782, "A bill to amend section 19 of the World War veterans' act, 1924, as amended," which proposes to provide an additional year for filing suits on insurance contracts.

You state that the Committee on Finance of the Senate to whom this measure has been referred will transmit it for report and request that action thereon be expedited in order that your efforts to have it enacted as an amendment to some other measure may be facilitated.

The Committee on Finance has not yet transmitted this bill for report. You are advised, however, that the position of the bureau on this extension is the same as that communicated to the Congress at the last session at the time the amendment to section 19, providing a Federal statute of limitations on insurance suits, was pending. You may recall that I advised the committee that whether or not there should be such a statute of limitations, and if so the time which should be allowed, was a matter wholly for the determination of the Congress.

For your further information you are advised that there is now pending before the Committee of the Whole House on the state of the Union a bill (H. R. 16819) which, if enacted into law, will substantially accomplish the same purpose as proposed by S. 5782. This bill extends the time one year from date of its passage.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Director.*

VETERANS' HOSPITAL NO. 42, PERRY POINT, MD.

The bill (H. R. 8223) to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Director of the United States Veterans' Bureau be, and he hereby is, authorized to sell or otherwise dispose of the following-described buildings now situated on the reservation of the United States veterans' hospital, Perry Point, Md., which are of wooden construction and are unsuitable for the hospitalization of beneficiaries of the United States Veterans' Bureau: Fifty-seven 2-story frame dwellings, designated as types D-1, D-2, D-5, D-6, D-8, and D-10, and Nos. 1001 to 1040, inclusive; 1189 to 1192, inclusive; 1194 to 1203, inclusive; 1205, 1207, and 1208.

SEC. 2. In addition to the foregoing, the director is further authorized to sell or otherwise dispose of seven 2-story frame dormitory buildings and one 2-story frame kitchen and mess building, numbered as follows: 23, 46, 46-A, 46-B, 46-C, 46-D, 46-E, and 47.

SEC. 3. The net proceeds of such sale shall be covered into the Treasury of the United States as miscellaneous receipts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMOTHY HANLON

The bill (H. R. 8423) for the relief of Timothy Hanlon was considered as in Committee of the Whole and was read as follows:

*Be it enacted, etc.,* That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed to pay to Timothy Hanlon, out of the appropriation for medical and hospital services, the sum of $28.50 for services rendered in connection with the funeral and burial of Raymond F. Poore (C-541-245), deceased.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOLIET FORGE CO., JOLIET, ILL.

The bill (S. 2127) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "$86,163.21 to William S. Welch, trustee of the estate of the Joliet Forge Co." and insert in lieu thereof "$25,000 to the Joliet National Bank, $15,000 to the Commercial Trust & Savings Bank of Joliet, and $10,000 to the Sharpe family, consisting of H. William, John J., Edward F., and Ellen C. Sharpe," and on page 2, line 1, to strike out the word "bankrupt" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 to the Joliet National Bank, $15,000 to the Commercial Trust and Savings Bank of Joliet, and $10,000 to the Sharpe family, consisting of H. William, John J., Edward F., and Ellen C. Sharpe, of Joliet, Ill., as reimbursement for providing and furnishing additional plant facilities and materials for the construction of steel forgings.

Mr. KING. Mr. President, I would like to have an explanation of the bill.

Mr. DENEEN. Mr. President, during the war the Joliet Forge Co. was a flourishing company which had been built up through a period of years by the Sharpe family, being owned by the family of four persons, who enlarged the plant at the request of the Government. The enlargement cost the company all the capital it had in hand, besides $50,000 borrowed from the Joliet bank. The order was made by Mr. Sessions and his letters appear on page 3 of the report. The authority for his making the order appears on page 4 by the testimony of Mr. Piez. The capacity to which they were ordered to enlarge the plant was so that 6,000 tons of steel forgings might be furnished the Government when previously 500 tons was the capacity of the company. The money was loaned by the bank on the letter and personal direction of Mr. Piez.

The company is now bankrupt. There was no occasion for the enlargement except for purposes of the war, and the banks having advanced the money presented the matter to the House committee and the amounts which were loaned, without interest, $45,000 in one instance and $15,000 in the other instance, are appropriated by the bill.

Mr. KING. I have no objection to the passage of the bill.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MYRON C. BOND ET AL.

The bill (H. R. 1625) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Myron C. Bond the sum of $48.04, to Guy M. Claflin the sum of $499.79, and to Edwin A. Wells $116.67, all of said persons having been officers in the Thirty-first Regiment Michigan Volunteer Infantry, war with Spain, and which said sums were reported by the Court of Claims, and said sums are hereby appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M. LIZENBY

The bill (H. R. 2659) for the relief of Annie M. Lizenby was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Annie M. Lizenby, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government, the sum of $3,000 to compensate her for injury and damage sustained at Tacoma, Wash., December 14, 1922, when she was struck by a motor truck belonging to and operating under authority of the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA MAE RINKS

The bill (H. R. 11500) for the relief of Ella Mae Rinks was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $772.35 to Ella Mae Rinks for personal injury

resulting from being run down by a truck belonging to the Sequoyah Orphan Training School.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

N. P. NELSON & CO.

The bill (H. R. 13992) for the relief of N. P. Nelson & Co. was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to N. P. Nelson & Co., of Bozeman, Mont., as subcontractors of the Pioneer Construction Co., the sum of $1,760.31 in full settlement of all claims resulting from the requisitioning of the road construction crew of N. P. Nelson & Co. employed on the Paola section of the Belton-Java, Mont., highway project, by the forest supervisor for fire suppression work in connection with the Lost Johnnie Creek forest fire in 1926.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIRST NATIONAL BANK OF PORTER, OKLA.

The bill (H. R. 15292) for the relief of the First National Bank of Porter, Okla., was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 in settlement of the error made by the Treasury Department in crediting to the account of the First National Bank of Keota, Okla., on May 27, 1909, instead of to the account of the First National Bank of Porter, Okla., the sum of $500 on account of the bank's 5 per cent redemption fund.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERTINA SAND

The bill (H. R. 7552) for the relief of Bertina Sand, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,560.25 to Bertina Sand, of Minneapolis, Minn., as reimbursement for loss of earning power and for expenses actually incurred by her as the direct result of personal injuries received by her on the 7th day of April, 1927, at Minneapolis, Minn., when she was struck by a Government motor vehicle then and there negligently operated by the Post Office Department of the United States Government, and as full compensation for said injuries, the pain and suffering from the same, and the damages resulting therefrom: *Provided*, That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 5 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than $1,000 nor more than $2,000.

Mr. KING. Mr. President, I would like an explanation of the bill.

Mr. CARAWAY. This woman was knocked down by a careless driver of a vehicle belonging to the Government. One of her arms was broken and her side was hurt. She is practically an invalid, and the department recommends that the amount included in the bill should be paid to her.

Mr. KING. The explanation is satisfactory.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. A. SMITH

The bill (H. R. 14728) for the relief of J. A. Smith was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 3, to strike out "Comptroller General of the United States" and insert in lieu thereof "Secretary of the Treasury," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay to J. A. Smith, out of any money in the Treasury not otherwise appropriated, the sum of $68, being the amount of check No. 131507, issued by the Veterans' Bureau to Ernest Britt, 3501 Kenesaw Avenue, Dayton, Ohio, but mailed to and received by Ernest Britt, route 1 B 68, Dillon, S. C., for whom it was cashed by J. A. Smith.

The amendment was agreed to.



The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WILLIAM F. GOODE

The bill (H. R. 3537) for the relief of William F. Goode was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William F. Goode, former second lieutenant, Eight hundred and ninth Regiment Pioneer Infantry, the sum of $208, as reimbursement for medical and hospital expenses incurred by him while in military service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. M. GRAY, JR., CO.

The bill (H. R. 3677) for the relief of F. M. Gray, jr., Co. was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow the F. M. Gray, jr., Co. the sum of $2,460.92 in full settlement of all claims under or arising out of contract dated September 21, 1921, for drilling a well at United States Public Health Service Hospital No. 2, Chicago-Broadview Hospital, Maywood, Ill., and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,460.92 with which to pay the claim.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT S. AMENT

The bill (H. R. 10045) for the relief of Robert S. Ament, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert S. Ament, of New York, N. Y., the sum of $6,301.33, in full compensation for damage to a pier at Provincetown, Mass. (of which he is lessee and which he has improved and decorated to the value of this claim), by the United States Coast Guard cutter *Morrill*, on November 16, 1926.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M'COOMBE

The bill (H. R. 13888) for the relief of Charles McCoombe was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the United States Government, the sum of $600 to Charles McCoombe, as reimbursement for damages to his property as a result of the crashing of a naval airplane on March 24, 1928.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROLAND M. BAKER

The bill (H. R. 5338) for the relief of Roland M. Baker was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Postmaster General is authorized and directed to credit the account of Roland M. Baker, postmaster at Boston, Mass., in the sum of $1,756.89. Such sum represents the amount of a deficit in the account of the said Roland M. Baker caused by the embezzlement on or about June 8, 1922, of postal funds by an employee at the North Postal Station, Boston, Mass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. J. HEINZ CO.

The bill (H. R. 10178) for the relief of the H. J. Heinz Co., Atlantic City, N. J., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to the H. J. Heinz Co., of Atlantic City, N. J., the sum of $5,606, to compensate the said H. J. Heinz Co. for property damages sustained

by them to their property in Atlantic City, known as the Heinz Pier, on August 22, 1924, caused by collision with said pier of scow *No. 22*, which was in the service of the War Department in connection with work being done by the United States dredge *Corozal* in Absecon Inlet.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY C. TASKER

The bill (H. R. 11153) for the relief of Harry C. Tasker was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry C. Tasker, of Green River, Utah, the sum of $100 for the loss of a horse loaned to the employees of the Geological Survey and not returned.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. T. NILAN

The bill (H. R. 9862) for the relief of M. T. Nilan was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized, and hereby directed, to pay out of any money in the Treasury not otherwise appropriated, to M. T. Nilan, of Eggleston, Minn., the sum of $121.10. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from the issuance of a check by the Department of the Interior on December 9, 1924, to Charles Wells, an Indian, which check was cashed by said M. T. Nilan and presented by him for payment, at which time the department refused to pay said check, claiming error on the part of its agent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DON C. FEES

The bill (H. R. 11014) for the relief of Don C. Fees was announced as next in order.

Mr. KING. Mr. President, I should like to have an explanation of the bill. I notice that the claim was disallowed by the Comptroller General. We are passing these bills so rapidly that Senators scarcely have an opportunity to know what a bill is before it is passed. I wonder why the claim was disallowed?

The Senator from South Dakota [Mr. McMASTER] is not present, so I ask that the bill may go over.

The PRESIDING OFFICER. In the absence of the Senator from South Dakota, and on objection of the Senator from Utah, the bill will be passed over.

T. D. RANDALL & CO.

The bill (H. R. 9546) for the relief of T. D. Randall & Co. was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That T. D. Randall & Co. are hereby authorized to bring suit against the United States under purchase orders Nos. 1904 and 1914 to 1919, both inclusive, for furnishing hay to the Army during the late war, to recover whatever losses or damages they may have suffered by reason of car shortage or other war conditions. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action and to enter decree or judgment against the United States for the amount of any loss or damages as may be found to have been suffered by the said T. D. Randall & Co. under the said purchase orders, if any: *Provided*, That such action shall be brought and commenced within four months from the date that this act becomes effective.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WASHINGTON BICENTENNIAL COMMISSION

The bill (S. 5616) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was considered as in Committee of the Whole. The bill had been reported from the Committee on the Library with an amendment on page 3, line 13, to strike out the words "which approval shall be conclusive upon the General Accounting Office in such amounts and for the purposes herein authorized as the commission in its discretion may deem proper, notwithstanding any other provision of law," so as to make the bill read:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated the sum of $334,000 to enable the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, hereinafter referred to as the commission, established by the joint resolution approved December 2, 1924, to carry out and give effect to plans approved and recommended by the commission for the following purposes:

(a) For editing, printing, binding, indexing, and distribution of a definitive edition of George Washington's writings, including illustrations, facsimiles, and clerical and photostat work in preparing copy:

(b) For the preparation, printing, and distribution of handbooks of the commission entitled, "Honor to George Washington," "Reading about George Washington," and "Directions for Celebrations and Pageants";

(c) For preparing and printing a wall map for general use, to be known as the "George Washington map";

(d) For preparing, printing, and binding in cloth a "George Washington atlas";

(e) For a photolithographic print of an approved "George Washington portrait";

(f) For all necessary expenses connected therewith: *Provided*, That the printing and binding herein authorized, exclusive of maps and portraits, shall be executed at the Government Printing Office upon requisitions of the commission with the approval of the Joint Committee on Printing, which committee shall determine the number of copies and volumes to be printed of each publication and the cost thereof based upon estimates submitted by the Public Printer, and shall also determine the price at which the definitive edition of the George Washington writings shall be sold to the public in whole or in part; and the funds derived from such sales shall be covered into the Treasury as miscellaneous receipts and the amounts thereof set forth in the annual report of the Public Printer;

(g) For compensation of the historian, executive secretary, and such assistants as may be needed for stenographic, clerical, and expert services and for actual and necessary traveling, subsistence, and other expenses incurred by the commissioners and officers in the discharge of their duties; and

(h) For contingent expenses, to be expended by the disbursing officer of the commission upon vouchers approved by the chairman of the executive committee of the commission.

SEC. 2. In carrying out the provisions of this or any other act relating to the celebration of the two hundredth anniversary of the birth of George Washington, the commission is hereby authorized to procure advice and assistance from any existing governmental agency, including the services of technical and other personnel in the executive departments and independent establishments; and the Superintendent of Documents shall make available to the commission the facilities of his office for the distribution of the publications and maps herein authorized.

SEC. 3. Appropriations hereafter made in conformity with this act, and unexpended balances of appropriations heretofore made for the purpose of the commission, shall remain available until expended.

SEC. 4. That the short name for the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington shall be "The George Washington Bicentennial Commission."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL TO SIGNERS OF DECLARATION OF INDEPENDENCE

The joint resolution (S. J. Res. 188) to create a commission on a memorial for the signers of the Declaration of Independence was considered as in Committee of the Whole. The bill had been reported from the Committee on the Library with an amendment on page 2, line 20, to strike out "all expenditures of the commission shall be allowed and paid upon presentation of itemized vouchers therefor signed by the chairman," so as to make the joint resolution read:

*Resolved, etc.*, That a commission is hereby created to be known as the Declaration of Independence Memorial Commission (hereinafter referred to as the commission). The commission shall be composed of two Senators to be appointed by the President of the Senate, two Members of the House of Representatives to be appointed by the Speaker, and three citizens of the United States to be appointed by the President. The commission is authorized and directed to consider the form of a suitable memorial to the men who signed the Declaration of Independence to be located in Washington, the method of financing such a memorial, to procure such plans and designs and make such surveys and estimates of the cost thereof as it deems advisable, and to make a report to the Congress, together with its recommendations, at the beginning of the first regular session of the Seventy-first Congress. Appointments to fill vacancies occurring in any class of the membership of the commission shall be made in the same manner as the original appointments to that class. The members of the commission shall serve without compensation; but traveling, subsistence, and other necessary expenses incurred by them in connection with the work of the commission may be paid from any funds available for expenditure by the commission.

SEC. 2. The commission may employ clerical and other assistants and make such expenditures (including expenditures for personal services at the seat of government and elsewhere) as may be necessary for the

performance of the duties vested in the commission. To carry out the provisions of this resolution there is hereby authorized to be appropriated the sum of $10,000.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MOTOR-VEHICLE TRAFFIC, DISTRICT OF COLUMBIA

The bill (S. 5757) to amend paragraphs (c) and (d) of section 9, and paragraphs (a) and (b) of section 10, of the act of Congress, entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925, was announced as next in order.

Mr. KING. Mr. President, I would like to have the Senator from Delaware [Mr. HASTINGS] explain the bill. We had a vehicular traffic bill passed a number of years ago, which those who advocated it said was a perfect measure. I thought it was very imperfect. We are tinkering with it already. I would be glad to know the necessity for this measure when we already have such a perfect measure.

Mr. HASTINGS. Mr. President, the changes made give the court the discretion of sending an offender to jail or fining him. The present law provides that he must be sent to jail in certain cases. It was pointed out by the District authorities that in many cases, such as the third conviction on a charge for reckless driving, although the last conviction may have been some years ago, the law makes it necessary for the court to send the offender to jail, and in many cases the defendant demands a jury trial when he would otherwise be satisfied to permit the court to sentence him. Those are the only changes proposed.

Mr. CARAWAY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

WOMAN'S BUREAU, POLICE DEPARTMENT

The bill (H. R. 6664) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, on account of the confusion in the Chamber I did not hear the proceeding in reference to Order of Business 1856, being House bill 6664, to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes. Before it finally goes over I should like to say that there is on the calendar Order of Business 901, being the bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes.

Let me say to those who have been in opposition to the woman's police department bill that the chief objection to the original bill was that it was proposed to provide in the bill rights and privileges for women that the men do not receive. The House has passed the bill striking that offensive language from the measure. Under the House bill, which is now on the calendar, the women in the police bureau shall be subject to the same restrictions and regulations as are the men. So I think that the objections which have been raised in the past have been met by the new bill. If there is continued opposition to the bill, I do not care to press it; but if this explanation softens the objection to it, I will be very glad if the bill might be allowed to pass.

Mr. BAYARD. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BAYARD. When the Senator states that the women will be placed under the same restrictions and regulations as the men, does he mean women prisoners or women officers of the police bureau?

Mr. COPELAND. I refer to women officers.

Mr. KING. Mr. President, the House has recently passed a bill——

Mr. COPELAND. The House bill is the one of which I have been speaking.

Mr. KING. Which embodies the provisions which were reported by the Senate committee. I suggest to my friend that if we should have a little consultation before the next call of the calendar I think we may agree upon a measure that may be satisfactory.

Mr. COPELAND. Very well.

ADDITIONAL SECRETARIES IN DEPARTMENT OF LABOR

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5614) creating the positions of Undersecretary and two Assistant Secretaries in the Department of Labor, which was read, as follows:

*Be it enacted, etc.*, That effective March 4, 1929, there shall be in the Department of Labor an Undersecretary of Labor, who shall be appointed by the President. The Undersecretary shall perform such duties as shall be prescribed by the Secretary of Labor or required by law and, under the provisions of section 177, Revised Statutes (5 U. S. C. 4), in case of the death, resignation, absence, or sickness of the Secretary of Labor, hereafter shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease.

SEC. 2. Effective March 4, 1929, there shall be in the Department of Labor two Assistant Secretaries of Labor, who shall be appointed by the President. The Assistant Secretaries shall perform such duties as shall be prescribed by the Secretary or required by law. The Assistant Secretaries, in case of the death, resignation, absence, or sickness of the Undersecretary shall, until a successor is appointed or such absence or sickness shall cease, perform the duties devolving upon the Undersecretary by reason of section 177, Revised Statutes (5 U. S. C. 4), unless otherwise directed by the President, as provided by section 179, Revised Statutes (5 U. S. C. 6).

SEC. 3. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to pay the salaries of the Undersecretary and the two Assistant Secretaries of Labor for the fiscal years 1929 and 1930, in accordance with the classification act of 1923.

SEC. 4. The positions of Assistant Secretary of Labor created by section 2 of the act of March 4, 1913, entitled "An act to create a Department of Labor," and Second Assistant Secretary of Labor created by the act of June 30, 1922, entitled, "An act creating the positions of Second Assistant Secretary and private secretary in the Department of Labor," are hereby abolished. The act of March 4, 1927, creating the offices of two assistants to the Secretary of Labor, is hereby repealed.

Mr. REED of Pennsylvania. Mr. President, the bill as it stands would create an undersecretary in the Department of Labor. I introduced the bill at the request of the Secretary of Labor, and without committing myself to the proposition that it contains. I can not recommend to the Senate that the bill be enacted in that form, but I do want to say this very briefly: About two years ago, when the work under the immigration law began to be very heavy, the Secretary of Labor asked me to introduce a bill creating two positions of assistants to the Secretary of Labor. He assured me at the time that when the work lightened up he would let us know, so that we could abolish one of those positions. Usually promises like that are written in sand, but the Secretary of Labor has been faithful to his promise, and he tells me that he can get along with one such official. So I want to propose an amendment to the bill as it stands on the calendar, not creating an undersecretary but creating an additional assistant Secretary and repealing the two positions of assistants to the Secretary of Labor that now exist. The result of that would be a saving to the Government in money paid in salaries, and, of course, in office expenses. The Secretary of Labor assured me that he would be able to perform the work of the department with efficiency if that shall be done. So I send an amendment to the desk, which I ask may be read.

Mr. KING. Why not wait until the next Secretary of Labor comes in and see what he wishes?

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That, effective April 1, 1929, there shall be in the Department of Labor an additional Secretary, who shall be known and designated as Third Assistant Secretary of Labor and shall be appointed by the President. The Third Assistant Secretary shall perform such duties as shall be prescribed by the Secretary of Labor, or required by law, and in case of the death, resignation, absence, or sickness of both the Assistant Secretary and Second Assistant Secretary shall, until a successor or successors are appointed or such absence or sickness shall cease, perform the duties devolving upon the Assistant Secretary by reason of section 177, Revised Statutes (5 U. S. C. 4), unless otherwise directed by the President, as provided by section 179, Revised Statutes (5 U. S. C. 6).

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to pay the salary of the Third Assistant Secretary of Labor for the fiscal years 1929 and 1930, in accordance with the classification act of 1923, as amended.

SEC. 3. The act of March 4, 1927, entitled "An act creating the offices of Assistants to the Secretary of Labor," is hereby repealed, effective April 1, 1929.

Mr. KING. Mr. President, I regret to object to the consideration of this bill, but I am not in favor of creating another

office in that department, and especially as we are going to have a new broom soon, a new administration, and, perhaps, the new Secretary of Labor might prefer a different program to that suggested by my able friend from Pennsylvania.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. REED of Pennsylvania. Mr. President, before Senate bill 5614 shall be finally passed over, may it be understood that the substitute which I send to the desk is adopted instead of the original bill, and then that it be passed over.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and the amendment will be considered as agreed to, and the bill will go back to the calendar as amended.

ARTHUR E. RUMP

The bill (S. 4325) for the relief of Arthur E. Rump was announced as next in order.

Mr. KING. Let that bill go over.

Mr. HAWES. Mr. President, was objection made to that bill?

Mr. KING. I objected.

The PRESIDING OFFICER. The Senator from Utah [Mr. KING] objected.

Mr. HAWES. Mr. President, will the Senator from Utah please withhold his objection for a moment?

Mr. KING. I will withhold it if the Senator desires to speak.

Mr. HAWES. I thank the Senator. Mr. President, this is a measure which has excited considerable interest in the community in which I live, and I know it has aroused the sympathy of everyone who understands the circumstances underlying the bill. A similar bill has passed the House. The beneficiary of the bill was a clerk in the post office and was seriously injured by another clerk. He has been confined to his bed for over 10 years, and is in a very precarious condition. He is unable to live upon the money now provided for him, and this bill merely increases the sum set aside for his care.

I will say to the Senator from Utah that this measure has been discussed by the newspapers of St. Louis, and it has met with their approval. The case has been taken up by the Optimist Club and various other organizations of the city, and I know it to be a worthy one. This man is now an object of charity, a helpless invalid as the result of an injury for which the Government is responsible. He has not, as I have said, been able to leave his bed for 10 years. I certainly hope the Senator will read the report on the bill, and will withdraw his objection.

Mr. KING. Mr. President, an award was made in this case, and the man was paid $2,000. If the amount now allowed is not adequate, I am perfectly willing to pass a measure which will refer the case back to the compensation commission with authority to allow whatever is just and fair, taking into account the payments heretofore made. But I do not think it is fair, a commission having been set up for the purpose of determining what compensation should be paid and, having acted on that question, to take it out of their hands and make special provision. If that shall be done every time that one is dissatisfied with the finding of the compensation commission, an appeal will be made to Congress, and the work of the commission will be reduced to a nullity.

The PRESIDING OFFICER. Objection is made. The clerk will report the next bill on the calendar.

CAPT. WILLIAM CASSIDY

The bill (S. 4756) for the relief of Capt. William Cassidy was announced as next in order.

Mr. SMITH. Mr. President, an identical bill has passed the House of Representatives. I ask unanimous consent to substitute the House bill for the Senate bill on the Calendar and that the House bill be considered at this time. The number of the House bill is 14975.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14975) for the relief of Capt. William Cassidy, which was read, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Capt. William Cassidy, Quartermaster Corps, United States Army, in the sum of $4,740.39 on account of stoppage of pay as the result of the loss of public funds due to financial irregularities and frauds against the Government, in the handling of public funds by a civilian employee of the Quartermaster Corps at Camp Custer, Mich., during the period from April, 1924, to October, 1927, for part of which Captain Cassidy has been held responsible, and to certify the same to Congress for an appropriation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4756 will be indefinitely postponed.

ARTHUR E. RUMP

Mr. HEFLIN. Mr. President, just a moment ago the Senator from Missouri [Mr. HAWES] asked for the consideration of the bill on the calendar preceding the bill which was just passed. I can not believe that the Senator from Utah [Mr. KING] understands the condition of the beneficiary of that bill for whom the Senator from Missouri [Mr. HAWES] is seeking relief. The Senator just told me that this man has been on his back for 10 years and is not able to do a stroke of work and is penniless. I submit that, while Senators are tired and want to get along and clean up the calendar of measures in which we are personally interested, I think the great Senate ought to pause long enough to do justice to a case like this, and I hope the Senator from Utah will withdraw his objection and let the Senator from Missouri have the bill passed.

Mr. KING. Mr. President, regular order.

Mr. HEFLIN. It appeals to my sympathy.

The PRESIDING OFFICER. Regular order has been demanded. The clerk will state the next bill on the calendar.

JOHN B. MEISINGER AND NANNIE BELLE MEISINGER

The bill (S. 4809) for the relief of John B. Meisinger and Nannie Belle Meisinger was announced as next in order.

Mr. HEFLIN. Mr. President, now I can occupy five minutes on that bill and five minutes on each succeeding bill until we can get some action on the measure for the benefit of the poor, stricken American citizen for whose relief the bill in which the Senator from Missouri [Mr. HAWES] is interested is pending.

Mr. KING. Let me say to the Senator if he will leave the matter to the Senator from Missouri and myself there will be no controversy.

Mr. HEFLIN. I am glad to hear the Senator say that.

The PRESIDING OFFICER. Is there objection to the immediate consideration of Senate bill 4809?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4809) for the relief of John B. Meisinger and Nannie Belle Meisinger, which was read, as follows:

*Be it enacted, etc.*, That sections 17 and 20 of the act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of John B. Meisinger and Nannie Belle Meisinger; that in the administration of the aforesaid act John B. Meisinger and Nannie Belle Meisinger shall be held and considered to be the dependent parents of Dr. Clarence L. Meisinger, who was killed June 2, 1924, by the explosion of a balloon in which he was making a series of upper air observations for the United States Weather Bureau.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR E. RUMP

Mr. HAWES. I ask unanimous consent to recur to order of business No. 4325 and I ask that House bill 13430 be substituted on the calendar for Senate bill 4325, and that House bill be considered at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and House bill 13430 is substituted for Senate bill 4325. The Senator from Missouri asks unanimous consent for the consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13430) for the relief of Arthur E. Rump, which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur E. Rump during his natural life the sum of $117 per month, to date from the passage of this act, as compensation for injuries sustained while in the line of his duties as registry clerk at the St. Louis (Mo.) post office, said monthly payments to be paid through the United States Employees' Compensation Commission.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Senate bill 4325 will be indefinitely postponed.

ESTATE OF L. GORDON LEECH, BANKRUPT

The bill (H. R. 9385) for the relief of the estate of L. Gordon Leech, bankrupt, was announced as next in order.

Mr. ROBINSON of Arkansas. I think that bill requires explanation.

Mr. CAPPER. Mr. President, about three years ago Congress passed an act closing the bathing beach at the Tidal Basin. Mr. Leech had a contract with the Government for maintaining bathhouses there, and the contract provided that in the event the Government should close the bathing beach his property would be appraised and paid for at actual cost. The Director of Public Buildings and Parks, Colonel Grant, reports that an appraisal was made and that the amount carried in the bill was the amount due him, and Colonel Grant recommended the payment of the amount.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. CAPPER. Yes.

Mr. ROBINSON of Arkansas. The bill originally proposed to pay $5,931.32, which has been stricken out by the committee and $3,000 inserted, for damages sustained in connection with the termination of the tidal beach and other facilities, and so forth. It does not appear to be a payment for property, but it seems that it is payment of damages for closing the beach.

Mr. CAPPER. It is for the loss that this man sustained. As a matter of fact, the House thought it would compromise the amount which had been found due him in the appraisal and provided for the lump sum of $3,000, and called it damages; but that is what it refers to—the property that he lost by reason of the sudden closing of the bathing pool there.

Mr. ROBINSON of Arkansas. What was the basis for the reduction made?

Mr. CAPPER. The House was not disposed to allow the full amount.

Mr. ROBINSON of Arkansas. But this is a Senate amendment. The House allowed $5,000 plus, and the Senate strikes that out and inserts $3,000.

Mr. CAPPER. There was some difference of opinion in the committee as to the matter.

Mr. ROBINSON of Arkansas. I think the bill had better go over.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

ED. SNYDER AND OTHERS

The bill (H. R. 2137) for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M'COLGAN

The bill (H. R. 2425) for the relief of Annie McColgan was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Annie McColgan, of Philadelphia, Pa., widow of Peter McColgan, who, while a civilian employee of the Ordnance Department, United States Army, in the discharge of his duties and without fault or negligence, was killed by the explosion of fuzes at the Frankford Arsenal, Philadelphia, Pa., on February 5, 1903, the sum of $5,000, being the sum recommended to be paid her by the board of officers appointed to investigate said explosion by the commanding officer at Frankford Arsenal on February 6, 1903.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELIEF OF CERTAIN ARMY OFFICERS AND OTHERS

The bill (H. R. 4265) for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments.

The first amendment was, on page 1, after line 8, to strike out:

Maj. E. T. Comegys, Finance Department, the sum of $152.50, on account of payments made for two typewriters for use of and now in possession of the military service.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to strike out:

Harry G. Finley, formerly second lieutenant, Quartermaster Corps, the sum of $298.66, being the amount paid by him to one who represented himself as being Lieut. Paul A. Winchell, Air Service.

Mr. SMOOT. Mr. President, I should like some explanation of this bill. There is no report about it in my file. Will the Senator from Oregon give us, in as few words as possible, an explanation of why these allowances are made?

Mr. STEIWER. Mr. President, this bill is one of a group of three or four, all of which originated in the War Department. The others have been reported out and passed. This, I think, is the last one of the group.

The bill is for the relief of certain officers who were disbursing officers, and also for the relief of certain civilians. The disbursing officers are merely allowed credits where charges have been maintained against these officers on account of the rulings of the Comptroller General's office.

The bill was carefully considered by the committee; and in all those cases where there was a difference between the figures of the Comptroller General and those of the War Department we accepted the figures of the Comptroller General, and made amendments accordingly. In about half a dozen cases, which are reflected by the amendments, we found that the Comptroller General had reversed his former ruling and had allowed some of these claims. Therefore there was no necessity for any further relief, and we eliminated them from the bill by amendment.

Mr. SMOOT. I thank the Senator for the explanation; but, Mr. President, I am going to make a statement again in relation to this class of claims against the Government.

There is not a session of the Senate at which we do not have hundreds of these claims for loss of money by theft by employees, loss of money by fires, and so forth. To the latter I take no exception; but it does seem to me that the time must come, sooner or later, when the Government of the United States will be protected by some kind of insurance against loss and stealing of public money.

No private institution in the United States would permit a situation of this kind to continue; and yet at every session of Congress tens of thousands of dollars are paid out just for the loss of money in post offices, stealing by employees of funds from this department or that department, and so on. The Government of the United States is standing the expense here, and it seems to me that passing these bills is only an invitation to all of them to go right along and be just as careless as they wish about public funds.

If the time is not already here, I say the time is approaching when the Government of the United States must insist upon having some kind of security for men who handle the funds of the Government. Particularly is that the case in the War Department and the Post Office Department; and I will say that there is not a department of the Government but that is involved in the same kind of loss of money of the United States.

I think every one of those disbursing agents—call them what you may—should carry some kind of insurance, and I will tell the Senate now that the insurance companies that would have to pay the money would constitute quite a check upon their being careless in handling funds. The quicker such legislation as that is passed the better it will be for the Government of the United States.

I am going to take it upon myself, if no one else does—and I am not a member of the Claims Committee—to work out some kind of legislation here, and ask that it be passed, so as to stop this kind of legislation.

Mr. EDGE. Mr. President, would the Senator have the Government pay the premiums on such insurance?

Mr. SMOOT. It would be far better for the Government to do that than it would be to let it go the way it is now.

Mr. EDGE. I am inclined to agree with the Senator.

Mr. BORAH. Why not get honest employees?

Mr. SMOOT. That seems to be impossible. In other words, there is quite a lot of difference between the way public money is handled and the way private money is handled.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 3, line 4, after the words "sum of," to strike out "$2,495.63" and insert "$2,492.99," so as to read:

First Lieut. Robert A. Hill, Corps of Engineers, the sum of $2,492.99, representing public funds for which he was accountable and which were lost through embezzlement by an employee of the Engineer Department on or about November 17, 1922.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to strike out:

Maj. De Witt C. Jones, Corps of Engineers, the sum of $5,450, representing the amount refunded to Gillett, Eaton, and Squire on their contract of September 4, 1917, for the construction of one pair of tandem compound condensing engines for stern paddle-wheel steam towboat.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to strike out:

Maj. C. C. Oakes, Finance Department, the sum of $136.50, representing the amount refunded to D. Kasdan in adjusting a sale of Government property.

Charles O. Pierson, disbursing officer, Washington-Alaska military cable and telegraph system, the sum of $400, which amount was stolen by an enlisted man of the Signal Corps.

Capt. Philip A. Scholl, Finance Department, the sum of $90, representing the amount paid on a fraudulent voucher.

The amendment was agreed to.

The next amendment was, on page 5, line 20, after the word "and," to strike out "seventy" and insert "eighty," so as to read:

American Commission Co., $448.08, being the value of 4,080 cans of tomatoes purchased from the Government at a sale of surplus supplies, which were seized by the Federal Food Administrator and destroyed as unfit for human consumption.

The amendment was agreed to.

The next amendment was, on page 14, line 8, after the words "sum of," to strike out "$350.48" and insert "$338.40," so as to read:

To Maj. Horace G. Foster, finance department (formerly pay clerk, Quartermaster Corps), for rental from November 13, 1912, to January 15, 1914, while stationed at the Presidio of San Francisco, Calif., the sum of $338.40.

The amendment was agreed to.

The next amendment was, on page 14, line 22, after the words "sum of," to strike out "$323.90" and insert "$321.60"; in line 24, after the words "sum of," to strike out "$278" and insert "$275"; in line 25, after the words "sum of," to strike out "$86.80" and insert "$74.40"; and on page 15, line 3, after the words "sum of," to strike out "$1,794.57" and insert "$1,776.87," so as to make the paragraph read:

Lieut. George D. Graham, Medical Corps, the sum of $301.20; to Capt. Edward D. Kremers, Medical Corps, the sum of $340; to Capt. Larry B. McAfee, Medical Corps, the sum of $293; to Capt. Laertus J. Owen, Medical Corps, the sum of $171.67; to Lieut. Col. Frederic P. Reynolds, Medical Corps, the sum of $321.60; to Capt. Adam E. Schlanser, Medical Corps, the sum of $275; and to Jay D. Whitham (formerly major, Medical Corps), the sum of $74.40, being the amounts paid by them for commutation of quarters and afterwards refunded by them from their private funds; in all, the sum of $1,776.87.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MAIL CARRIERS IN VILLAGE DELIVERY SERVICE

The bill (S. 3027) to increase the pay of mail carriers in the village delivery service was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That section 10 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, as amended, is amended to read as follows:

"SEC. 10. That the pay of carriers in the village delivery service, under such rules and regulations as the Postmaster General may prescribe, shall be from $1,350 to $1,500 per annum. The pay of substitute letter carriers in the village delivery service shall be at the rate of 60 cents per hour."

SEC. 2. This act shall take effect on the date of its approval.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF IMMIGRATION ACT

The bill (S. 5472) to amend the immigration act of 1924, as amended, with regard to the issuance of immigration visas, and for other purposes, was announced as next in order.

Mr. KING. Mr. President——

Mr. JOHNSON. Mr. President, the Senator from Utah spoke to me in reference to this bill, which was presented by the Senator from Mississippi [Mr. STEPHENS]. I find on examination what I did not recall when the Senator from Utah spoke to me—that it is a bill that was presented by the department, and one that is highly approved by them, and the Senator from Mississippi presented it to the committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That subdivision (a) of section 2 of the immigration act of 1924 is amended by adding the following paragraphs at the end thereof:

"Whenever it shall appear to a consular officer that an immigrant applying for an immigration visa has an alien wife, husband, and/or unmarried dependent children under the age of 21 years residing outside the United States and such wife, husband, and/or children are not applicants for immigration visas, the consular officer shall require the immigrant applying for an immigration visa to make a declaration under oath, as a part of the visa application, as to whether he or she intends to have the wife, husband, and/or such children join him or her in the United States at some future time. If an immigration visa be issued and if the facts in the declaration disclose that the wife, husband, or such children will at some subsequent time apply for immigration visas, the consular officer may accept at once the applications for immigration visas of the wife, husband, and/or such children. If the consular officer finds that the wife, husband, and/or such children are in other respects eligible to obtain immigration visas under the provisions of this act, such officer shall reserve sufficient consecutive immigration visa serial numbers for the wife, husband, and/or such children, and charge such aliens to the quota then existing for the appropriate country as determined by the provisions of this act. The actual issuance of immigration visas to the immigrants for whom reserve shall be deferred by the consular officer until the immigrants are ready to immigrate to the United States. Immigration visas reserved for future use under this paragraph shall be valid for one year subsequent to date of the reservation, notwithstanding the limitations on the issuance of immigration visas in subdivision (f) of section 11 of this act and the provsions of section 6 thereof, as amended by the act of May 29, 1928, but shall be subject to all the other provisions of said act: *Provided*, That the provisions of subdivision (c) of this section shall apply only after the immigration visas have actually been issued by the consular officer.

"An alien admitted to the United States under the immigration laws for permanent residence for whose wife, husband, and/or unmarried dependent children under the age of 21 years immigration visas have been reserved under the paragraph next above, may, not less than 60 calendar days prior to the expiration of one year immediately following such reservation, apply to the Secretary of Labor for an extension of the validity of such reserved immigration visa or visas. If it shall appear to the Secretary of Labor that refusal to grant such extension will result in unusual hardship to the aliens, he may approve the application, inform the Secretary of State of his decision, and the Secretary of State shall then authorize the consular officer with whom the application for the immigration visa has been filed to issue the immigration visa."

SEC. 2. This act shall take effect on the 1st day of July, 1929.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COPELAND. Mr. President, I desire to present a report on an immigration bill which came from the House, to which the Immigration Committee has just given unanimous consideration. It relates simply to change of sovereignty. So many countries changed their rulers during the war that a man now is denied admission if he fails to name the right sovereign. This bill proposes to correct that.

I ask unanimous consent for the immediate consideration of the bill.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The Chair will inform the Senator from New York that that is contrary to the unanimous-consent agreement, which was that the Senate should proceed to the consideration of bills upon the calendar, and that at the conclusion of the printed calendar it should consider any other bills that had been reported.

Mr. COPELAND. Then I will ask to have the papers sent back to me.

CLAIMS AGAINST THE UNITED STATES

Mr. McMASTER. Mr. President, I ask unanimous consent to recur to Order of Business 1714, House bill 9285, which was passed over. When this order of business was reached objection was raised to the bill, but I understand that the objection has been withdrawn.

The PRESIDING OFFICER. The Chair will say to the Senator that that is not included in the bills which are to be considered to-day. We began with Order of Business 1826.

Mr. McMASTER. I ask unanimous consent for the consideration of the bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, that can not be done.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 5779) to establish the Badlands National Monument in the State of South Dakota, and for other purposes, was announced as next in order.

Mr. NORBECK. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (H. J. Res. 379) extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1908, to the Missouri Militia who served during the Civil War, was announced as next in order.

Mr. KING. Mr. President, when I had the honor to be a member of the Pensions Committee a number of years ago a measure of this character was before us, and, as I recall, was unanimously rejected. I do not see any reason for changing that action. I remember that at the time applications came from other States that the militia in those States should be included within the provisions of that act; and I know that the measure was before the committee when my colleague (Mr. SMOOT) was chairman. I think this bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

ANNIE E. SPRINGER

The bill (H. R. 16406) to repeal the provision of law granting a pension to Annie E. Springer was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOTTIE A. BOWHALL

The bill (H. R. 16407) to repeal the provision of law granting a pension to Lottie A. Bowhall was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTHERN PACIFIC LAND GRANTS

The bill (S. 5855) to amend the act approved July 2, 1864, and the joint resolution approved May 31, 1870, relative to Northern Pacific land grants, etc., was announced as next in order.

The PRESIDING OFFICER. An identical bill is House bill 17212, which is on the calendar.

Mr. KENDRICK. Mr. President, I ask unanimous consent that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. WALSH of Montana. Mr. President, that bill is of peculiar and great importance to the State of Montana. I have sent copies of the bill out to various people of that State for comment, and I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

STATE OF MAINE AND CITY OF PORTSMOUTH, N. H.

The bill (H. R. 10664) for the relief of the State of Maine and the city of Portsmouth, N. H., was announced as next in order.

Mr. KING. Let that go over.

Mr. HALE. Mr. President, I hope the Senator will let us take up that bill.

Mr. KING. I am familiar with it. I will listen to the Senator, however.

Mr. HALE. I should like to explain the bill.

Mr. BLACK. I call for the regular order.

Mr. HALE. The expenditure of $500,000 for the building of a bridge across the Piscataqua River between Portsmouth, N. H., and Kittery, Me., was authorized by Congress in 1919 and an appropriation made with the understanding that the States of Maine and New Hampshire were to contribute an equal amount each.

Mr. BLACK. I asked for the regular order. There is nothing before the Senate.

The PRESIDING OFFICER. The regular order is demanded.

Mr. HALE. I hope the Senator will allow me to proceed.

The PRESIDING OFFICER. The Senator who objected withdrew his objection for the moment.

Mr. HALE. The bridge was completed in 1923. The reason for the Government participating was that the Kittery Navy Yard, situated in Kittery, Me., across the river from Portsmouth, had to get many of its supplies from across the river, and many of the workers in the yard had to cross over a ferry to reach the yard. This bridge obviated the necessity of the ferry.

In building the bridge, contracts were made, which were a little under the fifteen hundred thousand provided. The Government put in only $466,000, leaving $34,000 unexpended. Eventually, to complete the bridge, both New Hampshire and Maine had to contribute more than their proportions. The State of Maine had to contribute about $634,000, the State of New Hampshire $500,000, and the city of Portsmouth, in the State of New Hampshire, $134,000. This is simply taking the amount of $34,000, which has already been appropriated, and reappropriating it, so that half will go to the State of Maine and half to the city of Portsmouth, thus partially reimbursing them for their expenditures over and above the original project. The city of Portsmouth was not originally obliged, but assumed the obligation in order that the bridge might be completed. It seems to me a very fair proposition.

Mr. KING. I shall adhere to my objection. I have important data, and I will submit them to the Senator, and we can recur to it a little later.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

NAVAL RESERVE AND MARINE CORPS RESERVE

The bill (H. R. 7930) to amend section 24 of the act approved February 28, 1925, relative to the creation and maintenance of a naval reserve and a Marine Corps reserve, was announced as next in order.

Mr. KING. Mr. President——

Mr. ODDIE. Will not the Senator withhold his objection for a moment?

Mr. KING. I object to that bill.

Mr. ODDIE. I will ask the Senator to withdraw his objection a moment until I can explain the measure.

This is a bill intended to clarify some legislation we passed several years ago. It provides that the men of the Fleet Naval Reserve must report for inspections. There is a flaw in the law to-day, and it is an important matter. I hope the Senator will reconsider the matter and let the bill be acted on.

The PRESIDING OFFICER. Does the Senator from Utah withdraw his objection?

Mr. ODDIE. The bill provides in part:

> That any pay which may be due any member of the Fleet Naval Reserve, transferred thereto prior to July 1, 1925, shall be forfeited when so ordered by the Secretary of the Navy upon the failure, under such conditions as may be prescribed by the Secretary of the Navy, of such member to report for inspection.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. ODDIE. Certainly.

Mr. KING. There are two bills on the calendar, probably more than two, dealing with the marines, one calling for promotions much like promotions in the Navy. I object to them. Is this one of those bills?

Mr. ODDIE. No; this is not one of the bills to which the Senator refers.

Mr. FLETCHER. I understand this is recommended by the department.

Mr. ODDIE. Yes; this is recommended by the Navy Department.

Mr. KING. I withdraw the objection. I will ask the Senator if, upon examination, I find it is one of the measures I have in mind I may ask for a reconsideration.

Mr. ODDIE. That will be all right.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. WALTER R. GHERARDI

The bill (S. 5737) for the relief of Capt. Walter R. Gherardi, United States Navy, was announced as next in order.

Mr. KING. Mr. President, let there be an explanation of that.

Mr. ODDIE. Mr. President, Captain Gherardi is one of the best known and one of the ablest men in the Navy. He was

injured while in line of duty on a trip of inspection with the Secretary of the Navy some time ago, and had to undergo a severe operation, which it is believed slightly incapacitated him for sea duty, but he is admirably adapted for shore duty. The Navy Department has strongly recommended that this legislation be passed.

Captain Gherardi has had a brilliant record, which the report shows. He has performed heroic and remarkable service and has shown himself to be a brave and most capable officer. The committee has passed on the case carefully, and I hope the bill will pass.

Mr. BLACK. Mr. President, did I understand the Senator to say that the Navy Department has recommended that this bill be passed, which is, in effect, doing away with the selection board?

Mr. ODDIE. No; this makes an exception, in a way.

Mr. BLACK. I think the bill should be passed, but I desire to call attention to the fact that I have had a bill before the committee since the first session of this Congress. I have never been able to get any action on it. Finally, it was submitted to a subcommittee day before yesterday, and they were to take it up. I have endeavored at great pains to get it acted on, and I understand the naval authorities have taken the position with reference to that bill that any bill which in any manner overrides the action of the selection board should not be passed.

Mr. ODDIE. Mr. President, the Navy Department so held as to this bill as originally drawn, but the bill has been amended so as to apply to this particular case.

Mr. HALE. Mr. President, this would not result in the overriding of the action of the selection board. It simply provides that the selection board need not take into consideration the question of Captain Gherardi's physical ability to go to sea. He will have to go before the selection board, and if passed by them he will be selected. It is entirely up to the selection board.

Mr. ODDIE. A similar bill has just been passed by the House, House bill 17001, and I ask that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection? There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17001) for the relief of Capt. Walter R. Gherardi, United States Navy, which was read, as follows:

*Be it enacted, etc.*, That the line selection board of the Navy, as provided by United States Code, title 34, section 292, in its consideration of the officers eligible for consideration for selection for promotion to the grade of rear admiral may base its recommendation in the case of Capt. Walter R. Gherardi upon his comparative fitness for the shore duties of the grade of rear admiral: *Provided*, That in the event of his selection and subsequent promotion he shall be carried as an additional number in grade.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 5737 will be indefinitely postponed.

ARMY TRANSPORT SERVICE NAVIGATORS

The bill (H. R. 10478) providing retirement for persons who hold licenses as navigators or engineers who have reached the age of 64 years and who have served 25 or more years on seagoing vessels of the Army Transport Service, was announced as next in order.

Mr. REED of Pennsylvania. I move that that bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

CHARLES SILVERMAN

The bill (H. R. 9972) for the relief of Charles Silverman, was announced as next in order.

Mr. KING. Mr. President, I find that the Secretary of the Navy recommends against the enactment of this bill. Without an explanation, I shall ask that it go over.

Mr. STEIWER. Mr. President, it is true that the Secretary reported against the bill, but it involves but $76.

It seems that this man was punished for having misstated his age at the time he went into the Government service. It is true that he misstated his age, but he is of Jewish extraction, and calculated his age in accordance with the custom of his own people. The committee thought that he ought not to be penalized for a thing of that kind.

Mr. KING. Mr. President, is that the only reason why the Secretary of the Navy reported against the bill?

Mr. STEIWER. I will say, in answer to the question of the Senator, that when I read the Secretary's letter, and saw what he himself had said concerning the facts of the case, I could not imagine what occasioned him to put at the bottom of the letter the recommendation against the passage of the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP V. SULLIVAN

The bill (H. R. 4264) for the relief of Philip V. Sullivan, was announced as next in order.

Mr. BLACK. Mr. President, I desire to have an explanation of that bill. Does it provide for the retiring of this lieutenant at a higher grade than the one he now holds?

Mr. WALSH of Massachusetts. It does not. It simply provides that he should have an opportunity to have another physical examination.

Mr. Sullivan is a young man who was four years in the military service, and passed a physical examination at the academy successfully four successive years. Shortly after entering the service he was attacked by disease, and a question has arisen as to whether the disease was contracted in line of duty or not. The medical board originally decided that the disease was not contracted in line of duty, but the testimony raises some doubt about that decision. So this bill gives Mr. Sullivan an opportunity to appear again before a medical board, and to show whether his disease was contracted in line of duty or not.

Mr. BLACK. Has he already been retired?

Mr. WALSH of Massachusetts. Yes; but not with pay.

Mr. BLACK. This provides that he can now be retired——

Mr. WALSH of Massachusetts. With pay, if he satisfies the medical board that he actually contracted in the service the disease from which he is suffering.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DR. CHARLES H. DELANCEY

The bill (S. 801) to place Dr. Charles H. DeLancey on the retired list of the Navy as a lieutenant commander was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I note that the report of the Secretary of the Navy on this bill is adverse, and I would like to have some one explain it and justify it.

Mr. COPELAND. Mr. President, is objection raised?

The PRESIDING OFFICER. The Senator from Arkansas would like to have an explanation.

Mr. COPELAND. Will the Senator withhold his objection for a moment?

Mr. ROBINSON of Arkansas. Certainly.

Mr. COPELAND. This man, Doctor DeLancey, retired in March, 1909. He had been disabled in the line of duty, and because of that he was not physically fit to be promoted to the next rank. If he had been physically fit, he would have been promoted and retired at once.

Two years later we made provision for such cases, and this is simply to rectify the manifest injustice in his case. The Committee on Naval Affairs took pains to find if any precedent existed, and found that there were only two or three such cases, and I hope no objection will be interposed.

Mr. ROBINSON of Arkansas. I have no objection.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read as follows:

*Be it enacted, etc.*, That the President of the United States hereby is authorized to appoint Dr. Charles H. DeLancey, who, while serving as a lieutenant in the United States Navy, was found by a naval retiring board to be permanently unfit for active service by reason of physical disability incurred in the line of duty as a result of an incident of the service, a lieutenant commander on the retired list of the Navy, with such retired pay as is now or may hereafter be allowed a commissioned officer of that rank and grade: *Provided*, That said Dr. Charles H. DeLancey shall not be entitled to such retired pay prior to the date of the enactment of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET VAUGHN

The bill (H. R. 12548) for the relief of Margaret Vaughn was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. FLOOD

The bill (S. 5485) to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material, was announced as next in order.

Mr. SCHALL. Mr. President, I ask that there be substituted for this bill House bill 13288, which is identical.

The PRESIDING OFFICER. Is there objection? Without objection the House bill will be substituted for the Senate bill, and it is before the Senate as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, this bill is to authorize an award to the beneficiary for beneficial suggestions resulting in improvement in naval material. I think there should be an explanation of the bill.

Mr. SCHALL. Mr. President, this man was the inventor of some patents which the Navy Department wants to pay him for, and the regular practice, as I understand it, is to refer the case back to the Secretary of the Navy for such settlement. It has been reported unanimously by the Committee on Naval Affairs of the Senate and by the Committee on Naval Affairs of the House, and there is no objection to it anywhere along the line.

Mr. KING. Mr. President, may I ask the Senator if he justifies legislation that gives the Navy Department the authority, without limit, to pay whatever it pleases? One officer might find that the suggestions were worth $5,000, another might find that they were worth $50,000, and some other that they were worth nothing. What limitation is there?

Mr. TYDINGS. Mr. President, there is already a general act taking care of situations of this kind. The bill simply confers jurisdiction on the Secretary of the Navy in a particular set of circumstances not within the act. This man, working partly in Government time and partly in his own, invented a number of things which saved the Government many thousands of dollars, I understand. It authorizes the expenditure of no money, but authorizes this man to file an application. It has the approval of the Budget, and the Secretary of the Navy, it has passed the House and Senate committees unanimously, and carries no money, simply authorizing the beneficiary to make application, as other acts now on the statute books have done.

Mr. SMOOT. Mr. President, was a report made upon this bill?

Mr. TYDINGS. Yes; the letter of the Secretary of the Navy is in the report, and it is in favor of the passage of the bill.

Mr. SMOOT. There is no report in my file.

Mr. ROBINSON of Arkansas. There is a report, and it is favorable. At least, the Secretary of the Navy says that there is no objection to the consideration of the application of Mr. Flood and the passage of the bill.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Maryland permit a question?

Mr. TYDINGS. Certainly.

Mr. REED of Pennsylvania. The Constitution provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law. How is it an appropriation made by law to provide that an executive officer shall have authority to pay an unlimited amount, perhaps $5, or perhaps $5,000,000, in his discretion?

Mr. TYDINGS. If the Senator will read the report, he will find that there is a general act authorizing the Secretary of the Navy to make payment in these cases.

Mr. REED of Pennsylvania. Then I wonder whether that is constitutional.

Mr. TYDINGS. I have just said that there were certain facts in connection with this case that made jurisdiction in this man's case questionable. The bill simply authorizes him to file his application, as others are now authorized to do under an existing general law.

Mr. REED of Pennsylvania. Is there anything very secret about this case, that it should not be stated what it was he is to be paid for?

Mr. TYDINGS. It is said in the report that there were many materials which he invented and other inventions which he turned over to the Government, partly on Government time and partly on his own time, for which he received no compensation.

Mr. REED of Pennsylvania. I do not find anything in the report that describes what he did or what kind of naval material may be involved.

Mr. TYDINGS. In the first part of the report I think the Senator will find a definition of what he accomplished.

Mr. SMOOT. But this is a Senate bill, and can not possibly pass the House.

Mr. REED of Pennsylvania. It is proposed to substitute the House bill. The bill says:

> Services resulting in the improvement of naval material and in economy in manufacturing processes.

On that statement we are asked to allow an executive official to pay any amount he might see fit.

Mr. TYDINGS. I will state to the Senator from Pennsylvania that I do not remember what the report shows, but the correspondence shows definitely what the man did accomplish. I am not altogether clear in my mind what it was, but I think it was certain materials that went into a battleship which resulted in a great deal of saving to the Navy. Experiments were carried on partly under Government time and partly on the man's own time, for which he received no compensation whatsoever.

Mr. REED of Pennsylvania. We had a similar case in the Army. The inventor of the breech mechanism of a gun was involved, and the whole thing was spread out in detail and was sent to the Court of Claims to be investigated, and the man waited many years while his claim was being adjudicated.

Mr. TYDINGS. May I have just one minute further? The bill further provides that the patent which this man has a right to take out shall become the property of the United States Government. He has already let the Government use the result of his own patent when he might not have done so. If the bill is passed, the Government will have these patents for its exclusive use. The last paragraph of the bill provides for the turning over of the result of his inventions to the Government.

Mr. FLETCHER. Mr. President, I do not understand that the Secretary of the Navy can pay a cash reward and pay over the money.

Mr. TYDINGS. That is correct.

Mr. FLETCHER. Under the law there is a board which makes an investigation and collects the evidence and then recommends what shall be paid. Then Congress must act and appropriate the money to carry out the recommendations.

Mr. TYDINGS. The Senator is right in his statement. There will be no payments of money under the bill. The bill itself says that it authorizes him to file his application.

Mr. REED of Pennsylvania. No; the bill says that the Secretary is authorized, in his discretion, to pay a cash reward. There is nothing in the bill or the report to show whether the man was a Government employee or not.

Mr. TYDINGS. I do not want to take any further time of the Senate. I will talk to the Senator from Pennsylvania in private, and perhaps I can explain the matter to him satisfactorily.

The PRESIDING OFFICER. On objection the bill will be passed over.

### GOLD STAR MOTHERS' PILGRIMAGE

The bill (S. 5332) to enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert in lieu thereof the following:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized to arrange for pilgrimage to cemeteries in Europe by mothers and widows of members of the military or naval forces of the United States who died in the military or naval service at any time between April 5, 1917, and July 1, 1921, and whose remains are now interred in such cemeteries. Such pilgrimages shall be made at the expense of the United States under the conditions set forth in section 2.

SEC. 2. The conditions under which such pilgrimages may be made are as follows:

(a) Invitations to make the pilgrimages shall be extended in the name of the United States to the mothers and widows for whom the pilgrimages are authorized to be arranged under section 1.

(b) Upon acceptance of the invitation the mother or widow shall be entitled to make one such pilgrimage; but no mother or widow who has previous to the pilgrimage visited cemeteries described in section 1 shall be entitled to make any such pilgrimage, and no mother or widow shall be entitled to make more than one such pilgrimage.

(c) The pilgrimages shall be made at such times during the period from May 1, 1930, to October 31, 1933, as may be designated by the Secretary of War.

(d) For the purpose of the pilgrimages the Secretary of State shall (1) issue special passports, limited to the duration of the pilgrimage, to mothers and widows making the pilgrimages and to such personnel as may be selected to accompany and/or arrange for the pilgrimages, if such mothers, widows, and personnel are citizens of the United States, and (2) issue suitable travel documents, if aliens. No fee for either of such documents or for any application therefor shall be charged. Such alien mothers, widows, and personnel shall be permitted to return and be granted admission to the United States without regard to any law, convention, or treaty relating to the immigration or exclusion of aliens, if the return is made within the period covered by the pilgrimage of the particular group or, in the case of personnel, within such times as the Secretary of War shall by regulation prescribe; except that in any case of unavoidable detention the Secretary of War may extend in such case the time during which return may be made without regard to such laws, conventions, or treaties.

(e) The pilgrimages shall be by the shortest practicable route and for the shortest practicable time, to be designated by the Secretary of War. No mother or widow shall be provided for at Government expense in Europe for a longer period than two weeks from the time of disembarkation in Europe to the time of reembarkation in Europe. In the case of any mother or widow willfully failing to continue the pilgrimage of her particular group, the United States shall not incur or be subject to any expense with regard to her pilgrimage after such failure.

(f) Vessels owned or operated by the United States Government or any agency thereof shall be used for transportation at sea wherever practicable.

(g) Suitable transportation, accommodations, meals, and other necessities pertaining thereto, as prescribed by the Secretary of War, shall be furnished each mother or widow included in any pilgrimage for the entire distance at sea and on land and while sojourning in Europe and while en route in the United States from home to port and from port to home. Cabin-class accommodations shall be furnished for all transportation at sea. No mother or widow shall be entitled, by reason of any payment made by or for her, to be furnished by the Government with transportation, accommodations, meals, and other necessities pertaining thereto different in kind from those prescribed by the Secretary of War for the pilgrimage of the particular group.

(h) All pilgrimages shall be made in accordance with such regulations as the Secretary of War may from time to time prescribe as to the time, route, itineraries, composition of groups, accommodations, transportation, program, arrangements, management, and other matters pertaining to such pilgrimages.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry into effect the provisions of this act. The Secretary of War is directed to make an investigation for the purpose of determining (1) the total numbers of mothers and widows entitled to make the pilgrimages, (2) the number of such mothers and widows who desire to make the pilgrimages and the number who desire to make the pilgrimages during the calendar year 1930, and (3) the probable cost of the pilgrimages to be made. The Secretary of War shall report to the Congress not later than December 15, 1929, the results of such investigation.

SEC. 4. As used in this act—

(a) The term "mother" means mother, stepmother, mother through adoption, or any woman who stood in loco parentis to the deceased member of the military or naval forces for the year prior to the commencement of his service in such forces.

(b) The term "widow" means a widow who has not remarried since the death of the member of the military or naval forces.

Mr. JONES. Mr. President, I want to offer an amendment to the committee amendment. After the word "Europe," in line 20, page 6, I move to insert the words "and the United States." I understand that the amendment is satisfactory to the author of the bill or at least to the Senator who reported it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 6, line 20, after the word "Europe," insert the words "and the United States," so the first sentence of the bill will read:

That the Secretary of War is hereby authorized to arrange for pilgrimages to cemeteries in Europe and the United States by mothers and widows of members of the military or naval forces of the United States—

And so forth.

Mr. REED of Pennsylvania. Why should the pilgrimage be confined to Europe and the United States?

Mr. JONES. Mr. President, I am going to state why I think the amendment should be adopted. I think pilgrimages should be made available to the mothers and widows of soldiers who are buried in the United States, if it is necessary for Congress to take action, as well as to enable them to make pilgrimages to Europe. I am going to cite a particular instance that I know of my own personal knowledge with reference to the situation.

In the city of Yakima, Wash., there lives a good woman whom I have known ever since I went to the State of Washington. I have known her children from the time of their birth. She had a splendid boy. He located after his marriage in New Mexico, at Gallup. He enlisted for the war, and either on the way across or after he got over in England and while in a training camp he contracted a deadly disease and died.

His body was brought back to this country and buried in a cemetery at Gallup, N. Mex., the home of his wife. His mother is a poor woman. She is unable to make the trip to his burial place. She has been anxious for years to do it. She is not able to do it. I think she has never been able to do it.

Now I do not know but there may be many other cases like it in the United States. If widows and mothers are to be provided with a trip to Europe to see the last resting place of their husbands and sons, why should not the widows and mothers in this country who by reason of their poverty and their condition are unable to visit the last resting place of a son or husband be given the same privilege? The one is just as deserving as the other.

Mr. REED of Pennsylvania. I can suggest to the Senator one reason. If the body of this veteran was brought home at the mother's request it would have been buried at the point she designated. If his body is buried in Gallup, N. Mex., it must be her fault and not the fault of the Government.

Mr. JONES. No. That is where his widow lives. His widow looked after the return of his body. At any rate, whether she looked after it or not, I think she met the body at New York and took it to Gallup, N. Mex. As I said, the mother has been unable by reason of her poverty to visit the last resting place of her boy of whom she was very justly proud and whom she loved as much as any mother loves a son. It does seem to me that cases like that are just as deserving of the consideration of the United States Government as are the cases of widows whose boys are buried abroad.

Mr. WALSH of Massachusetts. Mr. President, would not the Senator's amendment permit, at Government expense, a widow removed from one community in one State to another community in the same State to make the pilgrimage?

Mr. JONES. I have not modified or attempted to modify any of the other conditions in the bill.

Mr. WALSH of Massachusetts. It seems to me the demands upon the Public Treasury would be unlimited under the amendment offered by the Senator from Washington. The widows and mothers could go from neighboring towns at Government expense.

Mr. JONES. But there are regulations provided for on the part of the Secretary of War. I take it that the matter of expense has not been considered really in the framing of this bill. It is to give the mothers and widows the opportunity to make one pilgrimage to where their loved boys rest. Why does not one mother who gave her son to her country deserve the same consideration as another?

Mr. WALSH of Massachusetts. Yes; but we know the number of interred veterans in Europe and we do not know the number of interred veterans in this country whose graves might be visited.

Mr. JONES. That may be true, but it seems to me the same consideration should be given to the widows and the mothers in this country as anywhere else, because they are entitled to the same consideration. Furthermore, it is not difficult to determine approximately how many are in this land. I venture the expense at home will not be so great as this expense going abroad.

Mr. WALSH of Massachusetts. I fear the Senator's amendment would destroy the purpose of the original bill.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. McMASTER. Mr. President, I wish to say a word in regard to the proposed amendment. The Senator may have cited a very deserving case. There may be many other similar cases in the country. However, I wish to call the attention of the Senate to the fact that the bill provides for a foreign pilgrimage. There are special records in connection therewith. It would require special work and a special organization. Therefore I would suggest to the Senator from Washington, if he believes there are deserving cases along this line, that special legislation should be introduced for the purpose of covering the other cases in the United States. The bill, which provides exclusively for a foreign pilgrimage, may be passed; but I doubt its passage if we add these amendments to it.

Mr. JONES. Mr. President, I want to suggest to the Senator that the bill provides for transportation across the country as well as across the sea. If this woman's son was buried in Europe, she would be entitled under the bill to have transportation clear across the country and then across the ocean. The same arrangement to be made with reference to that pilgrimage may be made to apply to a mother going across the country to see her son's grave in this country as when she goes across this country on her way to Europe.

Mr. McMASTER. I agree with the sentiment expressed by the Senator from Washington. Still I feel that he is dealing with a different type of cases. These cases ought to be covered by themselves because it would require an immense amount of detail work to take care of them. The bill before the Senate is designed expressly for mothers whose sons are buried abroad. I feel that if the Senator from Washington would introduce a special bill covering that subject it no doubt would receive favorable consideration at the hands of Congress. But it ought not to be attached to the pending bill as an amendment.

Mr. COPELAND. Mr. President, to the average mother in America the ocean is very wide. It seems so to them. The gold-star mothers have tried so hard to pass this bill that I

fear the amendment offered by the Senator from Washington, who has the most worthy motive in his mind, might embarrass the passage of the bill. I shall be glad and I know many other Senators will be glad to join with him in an effort to pass a special bill to take care of such cases as he has in mind. But I hope he will withdraw the amendment.

Mr. JONES. I do not feel that I should withdraw an amendment of that kind. It seems to me it is most deserving of favorable consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. JONES. Mr. President, I shall not take the time of the Senate nor embarrass Senators by asking for a roll call, but I shall try to follow the suggestions that have been made by Senators and offer a special bill in the next Congress, and I hope it will have the support of all Senators. If the Government brings joy to a mother by taking her across the country and over the sea to her son's last resting place, how can it refuse to take a mother to her son's last resting place in this country?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries."

BILL PASSED OVER

The bill (S. 5482) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Mr. President, I ask that the bill go over without prejudice.

The PRESIDING OFFICER. It will be passed over without prejudice.

CROW TRIBAL FUNDS

The bill (H. R. 15723) authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, from funds to the credit of the Crow Tribe of Indians, the sum of $5,000, to be available for the payment of the expenses of the tribal council in holding meetings on the Crow Reservation, and for the expenses of delegates which such council may send to the city of Washington on tribal business when authorized by the Secretary of the Interior or the Commissioner of Indian Affairs and under such rules and regulations as may be prescribed by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEMORIAL CHAPEL AT LAKEHURST NAVAL AIR STATION

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16533) to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J., which was read as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized to permit the American Legion, Department of New Jersey, to erect at the Naval Air Station, Lakehurst, N. J., a memorial chapel in commemoration of those whose lives are lost in aviation and particularly in lighter-than-air-craft activities. The erection of this memorial chapel shall be subject to the following conditions:

First. The site of the memorial chapel shall be selected by the Secretary of the Navy, and its design and construction, with its individual memorials and memorial windows, shall be subject to his approval and supervision.

Second. The design and construction of the memorial chapel shall be without cost to the United States.

SEC. 2. Upon the completion and dedication of the memorial chapel, the Secretary of the Navy is authorized to accept it as an unconditional gift to the United States from the American Legion, Department of New Jersey.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AIR CORPS OF THE UNITED STATES ARMY

The Senate, as in the Committee of the Whole, proceeded to consider the bill (S. 5555) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, which was read, as follows:

*Be it enacted, etc.*, That section 13a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by section 2, act of July 2, 1926 (44 U. S. Stat. L. 780–781), be, and the same is hereby, further amended by striking out the words, in lines 18 and 19, page 781, "together with those flying officers who shall have become disqualified for flying."

SEC. 2. That section 5 of the said act of June 3, 1916, as amended by said act of July 2, 1916 (44 U. S. Stat. L. 782), be further amended, in the first line of the paragraph added by said act of July 2, 1926, by striking out the word "three" and inserting in lieu thereof the word "seven."

SEC. 3. That the first two paragraphs of section 8 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926 (44 U. S. Stat. L. 783–784), be, and the same are hereby, amended to read as follows:

"SEC. 8. Five-year Air Corps program: For the purpose of increasing the efficiency of the Air Corps of the Army and for its further development the following 5-year program is authorized:

"Personnel: The number of promotion-list officers now authorized by law in the grade of second lieutenant of the Regular Army is hereby increased by 403, and the number of enlisted men now authorized by law for the Regular Army is hereby authorized to be increased by 6,240: *Provided*, That the increase in the number of officers and enlisted men herein authorized shall be allotted as hereinafter provided. The present allotment of officers to the Air Corps is hereby authorized to be increased by 403 officers distributed in grades from colonel to second lieutenant, inclusive, and the present allotment of enlisted men to the Air Corps is hereby authorized to be increased by 6,240 enlisted men. The President is authorized to call to active service, with their consent, for periods of six months or longer, such number of Air Corps reserve officers as he may deem necessary, not to exceed 550: *Provided*, That nothing contained in this section shall affect the number of reserve officers that may be called to active duty for periods of less than six months under existing law."

SEC. 4. This act shall take effect July 1, 1929.

Mr. KING. I should like to ask the Senator from Pennsylvania if that bill is reported unanimously by the committee and if it is needed.

Mr. REED of Pennsylvania. Yes; and it is very simple. The present law provides that 90 per cent of the officers of the Air Corps must be flying officers. It is found, as time goes on, that many officers reaching middle age cease to be able to participate in military flying. This bill merely provides that those officers who are getting old and are becoming unable to fly shall not be counted in calculating the 10 per cent of nonflying officers. It allows the retention in the Air Corps of officers who have had flying experience but do not now fly. It will not add one penny of cost to the pay roll of the Army.

Mr. ROBINSON of Arkansas. Mr. President, what is the age limit when such officers cease to be counted?

Mr. REED of Pennsylvania. There is no age limit. It is a question of periodical examination. They are examined every six months, I believe, and the examination is very severe.

Mr. KING. Mr. President, I should like to ask the Senator, when these officers cease to fly if they still receive the compensation which flyers receive?

Mr. REED of Pennsylvania. No, Mr. President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. ARTHUR A. PADMORE

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4626) for the relief of Maj. Arthur A. Padmore, which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maj. Arthur A. Padmore, United States Army, retired, out of any money in the Treasury not otherwise appropriated, the sum of $645.33, being the difference in pay and allowance from March 4, 1921, to November 21, 1921, which would have been due and payable to him had it been possible to promote him to the grade to which his seniority entitled him before his retirement by operation of law on November 21, 1921.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES L. DEWEY

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7230) for the relief of Charles L. Dewey, which was read, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles L. Dewey, who was a member of Company F, Fourth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 5th day of September, 1898, for gastric catarrh and rheumatism: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. CORNES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5264) for the relief of James P. Cornes, which was read, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James P. Cornes, who was a member of Company K, Twenty-second Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a second lieutenant of that organization on the 30th day of September, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. KING. Mr. President, I should like to ask the Senator from New York, who reported this bill, whether that is a case of a desire to correct a military record for desertion?

Mr. TYSON. What case is that, I will ask the Senator.

Mr. KING. Let the bill be passed over temporarily.

Mr. REED of Pennsylvania. Mr. President, perhaps I can explain the bill for the Senator from New York. This young man at the age of 18, in January, 1864, was mustered into the New York Cavalry; was honorably discharged in May, 1865, in order to enable him to receive promotion for bravery. The facts are all set out in the report on the bill. He was mustered in as a second lieutenant into the Twenty-second New York Cavalry on May 19, 1865; he fought with his regiment in the Battle of the Wilderness, and served in many skirmishes. The facts of his case are set forth in the report. At the time of the Jubal Early raid he was captured by Early. He escaped from Early, was recaptured, and escaped another time.

Finally, after the war was over, there was a jubilation when he was off duty, and he and some other officers of the regiment took too much to drink. While he was under the influence of liquor he disgraced himself by using improper language, and he disgraced the uniform he wore by drunkenness and misbehavior.

However, his military record was very fine, and it seemed only just in the view of the committee that after this long delay his record should be cleared up and that he should have recognition for the good military service which he performed up until the time of this escapade.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH HARDEN

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13260) for the relief of Josiah Harden, which was read, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Josiah Harden, 2233371, private in the Infantry, unassigned, United States Army, shall hereafter be held and considered to have been discharged honorably from military service of the United States as an unassigned private in the Infantry of the United States Army on November 21, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. KING. Mr. President, I ask the Senator from Tennessee with regard to that case. I find in the report that the major general, speaking for the War Department, states that his sentence was reduced to confinement for one year by the reviewing authority, and the execution of the dishonorable discharge was suspended until his release from confinement. The report states:

He was transferred to the United States, arriving at Fort Jay, N. Y., July 5, 1919, and was forwarded July 8, 1919, to the United States Disciplinary Barracks at Fort Leavenworth, Kans.

The separation of this soldier—

Reads the report—

from the service was not under honorable conditions.

Does the Senator from Tennessee think, in view of the statements in the report, that the bill should be passed?

Mr. TYSON. Mr. President, this is the case of a soldier who served during the World War. He was one of the very best soldiers in the Army. After the armistice, while he was off duty on a pass, he visited a café, took too much to drink, was a little disorderly, and refused to obey some order which was given him by an officer who happened to be present.

He was given a very hard sentence and was confined for quite a long time in a prison. His companion, a soldier who was with him at the time, was tried at the same time, and, although guilty of practically the same offense, was allowed to come back to the United States, while, on the other hand, this man was kept there, as I have said, for a long time. When the trial took place he had no witnesses. It is a peculiarly deserving case, Mr. President, because of the fact that this man rose from a private to a corporal and then a sergeant and was said to have been an exemplary soldier in every way. The Military Affairs Committee felt that he had already been punished sufficiently and that it was as little as we could do to remove the dishonorable discharge against his name.

Mr. HEFLIN. He had a good record?

Mr. TYSON. He had an excellent record; he was one of the best sergeants in the whole service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PIERCE DALE JACKSON

The bill (H. R. 12867) granting an honorable discharge to Pierce Dale Jackson was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Pierce Dale Jackson, who was a member of the One hundred and forty-first Ambulance Company, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 21st day of March, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. FLEMING

The bill (H. R. 12650) for the relief of John F. Fleming was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs, with an amendment on page 1, line 10, after the word "discharged," to strike out "from the date of the approval of this act" and to insert "from the military service of the United States as a member of that organization on January 16, 1919," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to grant an honorable discharge to John F. Fleming, Army serial No. 1310102, a member of Company A, One hundred and eighteenth Infantry, Thirtieth Division, United States Army, and that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers the said John F. Fleming shall be deemed to have been honorably discharged from the military service of the United States as a member of that organization on January 16, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WIDOW OF EDWIN D. MORGAN

The bill (H. R. 12359) for the relief of the widow of Edwin D. Morgan was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edwin D. Morgan, deceased, who was a member of Company B, Eighty-fourth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 15th day of December, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT TOWN SITES ON IRRIGATION PROJECTS

Mr. WALSH of Montana. Mr. President, I ask to recur to Order of Business 1886, being the bill S. 5482. House bill 16082—I have not the calendar number—deals with the same subject and is in exactly the same terms, except with reference to one section. I ask unanimous consent that the House bill may be substituted for the Senate bill and that the Senate proceed to the consideration of the House bill at this time.

Mr. KING. To what does the bill relate?

Mr. WALSH of Montana. It authorizes the disposition of unplatted portions of Government town sites on irrigation projects.

The PRESIDING OFFICER. Is the House bill on the calendar?

Mr. WALSH of Montana. It has been messaged over to the Senate. I think it passed the House on February 18. I am unable to say whether it is on the calendar.

The PRESIDING OFFICER. The Chair will suggest that the bill be temporarily passed over until the House bill can be found.

Mr. WALSH of Montana subsequently said: Mr. President, I ask now to recur to Order of Business No. 1886, Senate bill 5482. I have in my hand House bill 16082, dealing with the same subject, and I ask that it be substituted for the Senate bill.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives, which will be stated.

The bill (H. R. 16082) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes, was read twice by its title, and considered as in Committee of the Whole.

Mr. WALSH of Montana. Mr. President, these two bills are identical except with reference to section 2 thereof. I move to strike out section 2 of the House bill, and substitute therefor section 2 of the Senate bill.

The PRESIDING OFFICER. The Senator from Montana offers an amendment, which will be stated.

The CHIEF CLERK. In lieu of of section 2 of the House bill, it is proposed to insert:

SEC. 2. The net proceeds of such sales after deducting all expenditures on account of such lands, and the project construction charge, for the irrigable area of the lands so sold where irrigation or drainage works have been constructed or are proposed to be constructed, shall be disposed of as provided in Subsection I of section 4 of the act of December 5, 1924 (43 Stat. 672). Where the project construction charge shall not have been fixed at the date of any such sale, same shall be estimated by the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 5482 will be indefinitely postponed.

LAND ADJACENT TO INDIANA HARBOR SHIP CANAL

The bill (H. R. 16169) to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of War, on behalf of the United States, is authorized and directed to accept from the East Chicago Co. title, free and clear of all encumbrances and without cost to the United States, to a tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind., and described as follows:

Part of the southeast quarter section 20, township 37 north, range 9 west of the second principal meridian, in the city of East Chicago, Lake County, Ind., described as follows, to wit: Beginning at the point of intersection of a line parallel to and 100 feet west of the east line with a line parallel to and 100 feet south of the north line of said southeast quarter section 20; thence west on last-described line 450 feet; thence southeasterly on a straight line 644 feet to a point in a line parallel to and 100 feet west of the east line of the southeast quarter section 20 aforesaid; and thence north on last-described line 450 feet to the point of beginning, containing 2.3237 acres.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS X. CALLAHAN

The bill (S. 4824) for the relief of Francis X. Callahan was announced as next in order.

Mr. WAGNER. Mr. President, there is on the calendar a House bill, being Calendar No. 2048, House bill 15220, which is identical with the Senate bill. I ask that the House bill may be substituted for the Senate bill and may be considered at this time. It passed the House unanimously.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, I notice from the report that the Secretary of War says:

I can find no justification for the passage of S. 4824 and accordingly recommend that it be not favorably considered by your committee and be not enacted into law.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Dakota?

Mr. WAGNER. I give way to the Senator from South Dakota.

Mr. McMASTER. Mr. President, in reply to the suggestion of the Senator from Utah——

Mr. KING. I merely read a statement from the report.

Mr. McMASTER. Let me say that the bill was rewritten in the House to conform with the views of the War Department, and the War Department offers no objection to the House bill as it appears upon the calendar at the present time.

The PRESIDING OFFICER. Is there objection to substituting the House bill for the Senate bill and to considering the House bill at this time?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15220) for the relief of Francis X. Callahan, which was read, as follows:

*Be it enacted, etc.*, That any disability incurred in line of duty by Francis X. Callahan while serving as an officer of the Army of the United States during the World War from August 15, 1917, to September 18, 1919, inclusive, shall be deemed and considered to have been so incurred while serving as an officer of the Army of the United States other than as an officer of the Regular Army, so as to entitle said Callahan to the benefits and privileges of the emergency officers' retirement act (Public, No. 506, 70th Cong.): *Provided*, That such disability rating is sufficient and said Callahan is otherwise eligible for retirement under the terms and conditions of said act: *And provided further*, That said Callahan shall not be entitled to any back pay or allowances by the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4824 will be indefinitely postponed.

ANTHONY MULLEN

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9014) for the relief of Anthony Mullen which had been reported from the Committee on Military Affairs with an amendment on page 1, line 9, after the word "organization" to insert "on June 16, 1899," so as to make the bill read:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Anthony Mullen, who was a member of Company K, Fifteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on June 16, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

JOSEPH LEE

The bill (H. R. 4244) for the relief of Joseph Lee was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment on line 6, after the word "of" to strike out "Company," so as to make the bill read:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Joseph Lee, serial No. 1425235, who was a member of Headquarters Troop Seventh Army Corps, transferred to Casual Company No. 5246, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 11th day of October, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

EVERETT A. DOUGHERTY

The bill (H. R. 14242) for the relief of Everett A. Dougherty was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Everett A. Dougherty, who was a member of the United States Army Hospital Corps, Fort Wayne, Mich., shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 7th day of June, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS PERDIDO BAY, ALA. AND FLA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5677) to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.," which had been reported from the Committee on Commerce with an amendment, on page 2, after line 17, to insert:

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

*Be it enacted, etc.*, That section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.," be, and the same is hereby, amended so as to read as follows:

"SEC. 2. If the rights and privileges granted by said act approved June 22, 1916, shall be acquired by any one or more of the counties or States designated in section 1 of this act, it or they are authorized to transfer and assign all such rights and privileges to either or both of the counties or either or both of the States mentioned in said section 1, or to the highway commissioners or departments or other public agency of either or both of said States, but any bridge constructed or reconstructed under authority of said act of June 22, 1916, shall be maintained and operated in accordance with all the terms, provisions, and conditions of said act.

"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. JOHNS RIVER BRIDGE, FLORIDA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5740) to legalize a bridge across St. Johns River 2½ miles southeast of Green Cove Springs, Fla., which had been reported from the Committee on Commerce with amendments in section 1, on page 1, line 3, after the word "bridge," to strike out "now"; in line 4, after the word "miles," to strike out "southeast" and insert "southerly"; in line 5, after the word "Florida," to strike out "by the St. Augustine-Green Cove Springs Bridge Co., if completed in accordance with plans hereafter accepted and approved by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations" and insert "is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the St. Augustine-Green Cove Springs Bridge Co., its successors and assigns, to maintain and operate said bridge in accordance with the provisions"; and on page 2, line 6, after the date "1906," to strike out "other than those requiring the approval of plans by the Secretary of War and Chief of Engineers before the bridge is commenced," so as to make the bill read:

*Be it enacted, etc.*, That the bridge constructed across St. Johns River, 2½ miles southerly of Green Cove Springs, Fla., is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the St. Augustine-Green Cove Springs Bridge Co., its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to legalize a bridge across St. Johns River, 2½ miles southerly of Green Cove Springs, Fla."

LAKE CHAMPLAIN BRIDGE AT EAST ALBURG, VT.

The bill (S. 5802) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt., was announced as next in order.

The PRESIDING OFFICER. House bill 17023, Order of Business 2029, is identical with Senate bill 5802 as proposed to be amended. Without objection, the House bill will be substituted for the Senate bill and will be considered at this time.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17023) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt., which was read, as follows:

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt., authorized to be built by the Gulf Coast Properties (Inc.), by the act of Congress approved May 14, 1928, are hereby extended one and three years, respectively, from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 5802 will be indefinitely postponed.

PATUXENT RIVER BRIDGE, MARYLAND

The bill (S. 5336) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River, between Charles County, Md., and Calvert County, Md., was announced as next in order.

Mr. BRATTON. Calendar No. 2026, being House bill 16170, is identical with the Senate bill. At the request of the junior Senator from Maryland [Mr. TYDINGS], I ask that the House bill may be substituted for the Senate bill, and that the House bill may be now considered.

The PRESIDING OFFICER. Without objection, the House bill will be substituted for the Senate bill and will be considered at this time.

The Senate, as in the Committee of the Whole, proceeded to consider the bill (H. R. 16170) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection Senate bill 5336 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 5785) to establish a board of civil-service appeals and to amend an act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service," approved March 4, 1923 (ch. 265, 42 Stat. 1488), and for other purposes, was announced as next in order.

Mr. KING. I should like to have an explanation of that bill.

Mr. CURTIS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN J. HELMS

The bill (S. 5386) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That in administration of the World War adjusted compensation act, as amended, John J. Helms, formerly private, Supply Company, One hundred and twenty-third Regiment United

States Infantry, World War, shall be held to be entitled to the benefits thereof in the same manner and with the same effect as if a separation from the military forces of the United States on October 24, 1918, had been honorable.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JESSE J. BRITTON

The bill (S. 4796) for the relief of Jesse J. Britton was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives Jesse J. Britton, who served in Troop H, Second Regiment United States Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on September 22, 1900: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KIRBY HOON

The bill (H. R. 11508) for the relief of Kirby Hoon was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEADOW BROOK CLUB

The bill (H. R. 14823) for the relief of the Meadow Brook Club was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINNIE A. TRAVERS

The bill (H. R. 13521) for the relief of Minnie A. Travers was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEDRO P. ALVAREZ

The bill (H. R. 13573) for the relief of Pedro P. Alvarez was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILBERT PETERSON

The bill (S. 4681) for the relief of Gilbert Peterson was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to redeem in favor of Gilbert Peterson United States coupon notes Nos. E-1062861 and E-1062862, in the denomination of $1,000 each, of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922-23, called for payment December 15, 1922, with coupons due June 15, 1920, to December 15, 1922, inclusive, without presentation of such notes or coupons, such notes with such coupons and coupons due May 20, 1923, attached, having been lost or destroyed by the said Gilbert Peterson: *Provided*, That such notes shall not have been previously presented and paid and that payment shall not be made hereunder for any coupons which may have been previously presented and paid: *And provided further*, That the said Gilbert Peterson shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said notes and the unpaid interest which had accrued thereon when the notes were called for payment, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost notes and coupons herein described.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STAUNTON BRICK CO.

The bill (H. R. 5341) for the relief of the Staunton Brick Co. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. D. BALDWIN

The bill (H. R. 13132) for the relief of J. D. Baldwin, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CULLEN D. O'BRYAN AND LETTIE A. O'BRYAN

The bill (S. 5017) for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cullen D. O'Bryan and Lettie A. O'Bryan, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement against the Government, on account of the death of their daughter, Amy Edith O'Byran, who died as a result of injuries received when the automobile which she was driving collided with an unlighted Army truck on September 16, 1927, near Bristol, Vt.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES P. GALLIVAN

The bill (H. R. 7173) granting compensation to the daughters of James P. Gallivan was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 11422) for the relief of Samuel J. D. Marshall was announced as next in order.

Mr. KING. I should like an explanation of that bill, Mr. President.

The PRESIDING OFFICER. An explanation is requested.

SEVERAL SENATORS. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

ATLANTIC REFINING CO.

The bill (S. 4354) for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut* was announced as next in order.

Mr. KING. One moment, please.

Mr. REED of Pennsylvania. That bill simply allows a claim to be sued for in court.

Mr. KING. I have no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That the claim of the Atlantic Refining Co., a corporation of the State of Pennsylvania, having its principal office and place of business in the city of Philadelphia, State of Pennsylvania, owner of the American steamship *H. C. Folger*, against the United States for damages alleged to have been caused by collision in the Delaware River below the mouth of the Schuylkill River, on April 6, 1921, between said steamship *H. C. Folger* and the U. S. S. *Connecticut*, a second-line battleship owned by the United States and operated by the Department of the Navy of the Government of the United States, may be sued for by the said Atlantic Refining Co. in the District Court of the United States for the Eastern District of Pennsylvania, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damage and costs, if any, as shall be found to be due against the United States in favor of the said Atlantic Refining Co., or against the said Atlantic Refining Co. in favor of the United States, upon the same principles and measures of liability as in like cases between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

D. B. HEINER

The bill (S. 4931) for the relief of D. B. Heiner was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, there is a similar House bill which has been passed and messaged to us, House bill 15421. I move that the House bill be substituted for the Senate bill.

Mr. KING. Mr. President, I desire to ask the Senator from Pennsylvania if he approves of these constant appropriations by the Government to meet the defalcations, irregularities, and perhaps negligence of employees who ought to be bonded, and who perhaps are bonded?

Mr. REED of Pennsylvania. Mr. President, I was somewhat familiar with the facts of that case before I introduced the

bill. The collector was not in any way negligent. He had a bond of $10,000 on the employee who made the embezzlement. There never was the slightest indication of the theft until $19,500 had been taken. The volume of payments through that office is perfectly tremendous. It is given in the report, which shows that in the last seven years they have taken in $632,000,000. It is perfectly impossible for the collector himself to see to the handling of every cent of that vast amount, and he had no reason at all to suspect this man. All the investigation that has been made of the case shows that he was entirely blameless.

Mr. KING. Mr. President, I think provision ought to be made that bonds be given to the Government to protect it, because we are called upon repeatedly to make appropriations aggregating hundreds of thousands of dollars, or, at least, very large sums.

Mr. REED of Pennsylvania. Yes, Mr. President; and the bond was given. The man who did the embezzling was under $10,000 bond, and that bond was paid. This was the excess over the bond that the collector himself was forced to pay; and I may say that the only way they ever caught the man who was guilty of this theft was because a suspicion arose on account of the brand of automobile he was driving. That aroused some suspicion, and an investigation led to the discovery.

The PRESIDING OFFICER. Is there objection?

Mr. WATERMAN. Mr. President, may I ask the Senator a question?

Mr. REED of Pennsylvania. Yes.

Mr. WATERMAN. Was the subdisbursing officer designated by the Civil Service Commission, or was he appointed by the disbursing officer?

Mr. REED of Pennsylvania. I am sorry to say he owes his position to civil service.

Mr. WATERMAN. And yet they hold their positions without any bond over them, and they get away with money, and private bills are put in here to pay and pay, simply because these disbursing officers do not know what kind of men the Government furnishes them?

Mr. REED of Pennsylvania. This disbursing officer did have a bond, but he had no way of controlling the appointment.

Mr. WATERMAN. I understand.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives, which will be read.

The bill (H. R. 15421) for the relief of D. B. Heiner was read twice by its title.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the House bill be substituted for the Senate bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. B. Heiner, out of any money in the Treasury not otherwise appropriated, the sum of $9,500 as reimbursement for loss incurred by him as the collector of internal revenue for the twenty-third district, Pennsylvania, in paying into the Treasury of the United States the amount of the shortage of stamps in his office, caused by the embezzlement of the stamp clerk.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4931 will be indefinitely postponed.

SECOND DEFICIENCY APPROPRIATIONS

Mr. PITTMAN. Mr. President, I wish to give notice of a motion to reconsider House bill 17223.

The PRESIDING OFFICER. The motion will be received and entered.

WILLIAM B. THOMPSON

The bill (S. 5056) for the relief of William B. Thompson was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William B. Thompson, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $562.80 by reason of damages to his property caused by the dumping of spoil dredged from the Chesapeake and Delaware Canal in the lowering of the water level of the said canal at the town of Summit Bridge, New Castle County, in the State of Delaware.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUC MATHIAS

The bill (H. R. 8886) for the relief of Luc Mathias was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE SIMPSON AND R. C. DUNBAR

The bill (H. R. 10417) for the relief of George Simpson and R. C. Dunbar was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANS JAN WOUTERS

The bill (H. R. 11260) for the relief of Frans Jan Wouters, of Antwerp, Belgium, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 5817) to authorize the unification of carriers engaged in interstate commerce, and for other purposes, was announced as next in order.

Mr. COUZENS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RELOCATION OF MICHIGAN AVENUE

The bill (S. 5843) to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That in order to relocate the line of Michigan Avenue from Franklin Street as laid down on the plan of the permanent system of highways for the District of Columbia to Lincoln Road, bordering the southeast corner of the grounds of the United States Soldiers' Home, and to straighten and shorten the route of said avenue, the Commissioners of the District of Columbia be, and they are hereby, authorized to close, vacate, and abandon the portion of Michigan Avenue known and designated as Parcel E on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429, containing 54,380 square feet, said part so closed, vacated, and abandoned to be transferred by said Commissioners of the District of Columbia to the United States as part of the grounds of the United States Military Asylum, known as the United States Soldiers' Home.

SEC. 2. That the Commissioners of the District of Columbia are authorized to use for street purposes all that part of the United States Soldiers' Home grounds designated as Parcel A, containing 57,613 square feet, and Parcel B, containing 11,870 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429; and the proper authorities having title, control, or jurisdiction are authorized to make the necessary transfer of said parcels of land to the District of Columbia for street purposes.

SEC. 3. That the Commissioners of the District of Columbia are authorized to close, vacate, and abandon the portion of Michigan Avenue known and designated as Parcel D, containing 69,336 square feet, and Parcel H, containing 7,279 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429, title to said parcels so closed, vacated, and abandoned to revert in fee simple to the owner or owners of the parcel numbered on the assessment records of the District of Columbia as parcel 120/1, said closing of said street and the transfer of title thereto to be upon the condition and with the express stipulation that the owner or owners of said parcel 120/1 shall dedicate to the District of Columbia for street purposes all of the parcel known and designated as Parcel F, containing 43,161 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429, and shall further, in consideration of the increase in area of the property of said owner or owners of said parcel 120/1 by reason of the transfers as provided herein, dedicate to the District of Columbia about 36,000 square feet of land, the location of which shall be mutually agreed upon by the Commissioners of the District of Columbia and the owner or owners of parcel 120/1, and that said owner or owners of said parcel 120/1 shall transfer to the United States as part of the grounds of the United States Military Asylum, known as the United States Soldiers' Home, all of the parcel known and designated as Parcel G, containing 1,543 square feet, as shown on said map numbered 1429 in the office of the surveyor of the District of Columbia: *Provided, however*, That the board of commissioners of the United States Soldiers' Home, or the proper authorities having title, control, or jurisdiction, shall transfer to the owner or owners of the parcel designated on the assessment and taxation records of the District of Columbia as parcel 120/1 all the land comprised within the parcel known and designated as Parcel C containing 4,517 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429.

SEC. 4. That the surveyor of the District of Columbia is hereby authorized to prepare the necessary plat or plats showing all parcels of

land to be transferred in accordance with the provisions of this act, with a certificate affixed thereon to be signed by the parties in interest making the necessary transfers; which plat and certificate, after being signed by the various interested parties and approved by the Commissioners of the District of Columbia, shall be recorded upon order of said commissioners in the office of the surveyor of the District of Columbia; and said plat or plats, when duly recorded in said office of the surveyor of the District of Columbia, shall constitute a legal transfer of title of the various parcels to the parties in interest according to the provisions contained in this act.

SEC. 5. That the Washington Railway & Electric Co. shall be authorized and required, upon the straightening and shortening of the line of Michigan Avenue as provided herein, to remove the tracks of said company from their present location along Michigan Avenue, from Franklin Street as laid down on the plan of the permanent system of highways of the District of Columbia to Lincoln Road, and to relocate said tracks along the center of Michigan Avenue according to the new location of said avenue between said points, as straightened and shortened in accordance with the provisions of this act, and to bring said relocated tracks to approved grade of said avenue as determined by the Commissioners of the District of Columbia, and to do all necessary work in connection therewith, the costs and expenses of the removal and relaying of tracks and replacing the trolley poles, and all necessary work incident thereto, to be borne by said Washington Railway & Electric Co.; all such work to be performed under the supervision and to the satisfaction and approval of the Commissioners of the District of Columbia.

SEC. 6. That the appropriation contained in the District of Columbia appropriation act for the fiscal year ending June 30, 1930, for the paving of Michigan Avenue between North Capitol and Monroe Streets NE. is hereby also made available to pay any and all expenses for grading of roadways and for removing and replacing water mains and for any and all work incident thereto, including the reconstruction of the boundary fence in good condition of the United States Soldiers' Home on the boundary line of its grounds as relocated on said plat, the removal of the street pavements and sidewalks from the area transferred to said home and for bringing the surface of said area to grade with loose earth suitable for growing vegetation; any trees required to be cut in making the proposed change to remain the property of the United States Soldiers' Home and to be cut into cord lengths, split, and stacked by the District of Columbia.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized, upon the straightening and shortening of Michigan Avenue as provided by this act, to do any and all acts which may be necessary to give the Washington Railway & Electric Co. such easement or right of way over said Michigan Avenue as is necessary for the proper operation of the railway lines and cars of said company over said avenue as straightened and shortened by the provisions of this act.

SEC. 8. That the charter or act of incorporation of the Washington Railway & Electric Co. is hereby amended so as to provide for the lawful relocation of the tracks of said company as provided herein, said charter or act of incorporation to conform in all respects to the provisions of this act, and any and all provisions in said charter or act of incorporation in conflict with the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COWPENS BATTLE GROUND MONUMENT

The bill (H. R. 12106) to erect a national monument at Cowpens battle ground was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 8, after the word "by," to strike out "purchase"; in the same line, after the word "gift," to strike out "condemnation, or otherwise"; in line 9, after the word "than," to strike out "10 acres" and insert "1 acre"; and on page 2, line 2, after the word "to," to strike out "purchase" and insert "accept a deed for," so as to make the bill read:

*Be it enacted, etc.*, That in order to preserve that part of the Cowpens battle grounds near Ezell, Cherokee County, S. C., where Gen. Daniel Morgan, commanding, participated in the Battle of Cowpens on the 17th day of January, 1781, the Secretary of War be, and he is hereby, authorized and directed to acquire, by gift, not more than 1 acre of land on which he shall erect or cause to be erected a suitable monument to commemorate said battle.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, to accept a deed for the necessary lands, to make necessary surveys, maps, markers, pointers, or signs marking boundaries, for opening, constructing, or repairing necessary roads and streets and constructing markers and a suitable monument, for salaries for labor and services, for traveling expenses, supplies, and materials, the sum of $25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, and the disbursements under this act shall be reported by the Secretary of War to Congress.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

JOHN R. BUTLER

The bill (H. R. 8987) for the relief of John R. Butler was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARION M. CLARK

The bill (S. 4956) to remove the charge of desertion and grant an honorable discharge to Marion M. Clark was announced as next in order.

The PRESIDING OFFICER. This bill is the same as House bill 4611.

Mr. REED of Pennsylvania. I move that the Committee on Military Affairs be discharged from the further consideration of House bill 4611, that that bill be substituted for the Senate bill now under consideration, and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania that the Senate Committee on Military Affairs be discharged from the further consideration of H. R. 4611 and that it be substituted for Senate bill 4956.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4611) for the relief of Marion M. Clark.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. REED of Pennsylvania. I notice that there is an amendment to the title.

The PRESIDING OFFICER. The Chair is informed that the House bill needs no amendment to the title. Without objection, Senate bill 4956 will be indefinitely postponed.

ANTOINE LAPORTE, ALIAS FRANK LEAR

The bill (S. 4237) for the relief of Antoine Laporte, alias Frank Lear, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 9, after the word "organization" to insert "on November 24, 1863," so as to make the bill read:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Antoine Laporte, alias Frank Lear, who was a private in Company L, Eleventh Regiment First Vermont Volunteer Heavy Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on November 24, 1863: *Provided*, That no pay, compensation, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUGUST R. LUNDSTROM

The bill (S. 4825) for the relief of August R. Lundstrom was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 4, before the word "late," to strike out "Lundstrum" and insert "Lundstrom"; and on line 8, after "1903," to insert "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act," so as to make the bill read:

*Be it enacted, etc.*, That in the administration of the pension laws August R. Lundstrom, late of Company L, Eighteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 6th day of April, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of August R. Lundstrom."

JOHN T. O'NEIL

The bill (H. R. 3737) for the relief of John T. O'Neil was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, after the word "battery," to strike out "C, First Regiment Connecticut Volunteer Artillery," and insert "G, Fifth United States Artillery," so as to make the bill read:

*Be it enacted, etc.*, That in the administration of all laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John T. O'Neil, late of Battery G, Fifth United States Artillery, Spanish-American War, shall be held to have been discharged honorably from the military service of the United States on December 1, 1899: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOWARD P. CORNICK

The bill (S. 4356) for the relief of Howard P. Cornick was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. BLAINE. Mr. President, I should like to inquire of the chairman of the committee about the adverse report, and the reason for the report.

Mr. REED of Pennsylvania. Mr. President, that was a very peculiar case. The committee gave it careful consideration.

Mr. SHORTRIDGE. I ask that the bill go over.

Mr. REED of Pennsylvania. Will not the Senator withhold his request for a moment?

Mr. SHORTRIDGE. The committee has been really negligent in not printing in full the report at all. I find no printed report.

Mr. REED of Pennsylvania. I feel that we ought to apologize to the Senator from California, and that I owe him an explanation of our reasons for reporting adversely on his bill.

Mr. SHORTRIDGE. There can not be a calm and dispassionate consideration of this bill without a printed report.

SEVERAL SENATORS. Regular order!

Mr. GLASS. Mr. President, can we not permit the Senator from California to explain his bill?

The PRESIDING OFFICER. The regular order having been demanded, the bill will be passed over.

Mr. REED of Pennsylvania. I should be very glad if the Senator from California would take the matter over from me and make the explanation himself.

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER. The regular order is called for. The bill will be passed over.

AUGUST MOHR

The bill (S. 4907) for the relief of August Mohr was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of August Mohr, of Portage, Wis., two United States 4¾ per cent Treasury notes, No. 118443 for $1,000 and No. 16641 for $5,000, Series B–1927, issued May 15, 1923, and matured March 15, 1927, with interest at the rate of 4¾ per cent per annum from September 15, 1926, to March 15, 1927, without presentation of the said notes or the coupons representing interest thereon from September 15, 1926, to March 15, 1927, the said notes having been lost, stolen, or destroyed: *Provided*, That the said notes shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said August Mohr shall first file in the Treasury Department a bond in the penal sum of double the amount of the notes and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed notes herein described or the coupons belonging thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. C. MOORE & CO.

The bill (S. 119) for the relief of C. C. Moore & Co., engineers, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. C. Moore & Co., engineers, San Francisco, Calif., the sum of $567.90, representing the difference between freight and express charges on two evaporators and two coil sets shipped by said company, by express at the request of the commandant, to the Mare Island Navy Yard, under Government contract No. 537, dated May 21, 1917, such sum having been refunded to the United States by said company after payment thereof by the Navy Department was held by the General Accounting Office to have been unauthorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE HEITKAMP

The bill (H. R. 5399) for the relief of George Heitkamp was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARINE BIOLOGICAL STATION, KEY WEST, FLA.

The bill (S. 5860) to authorize the Secretary of Commerce to dispose of the marine biological station at Key West, Fla., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment on page 2, line 15, after the word "degrees," to insert "west," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of Commerce is hereby authorized to dispose of the marine biological station at Key West, Fla., and to reconvey by quitclaim deed to the Key West Realty Co., Florida, the land conveyed to the United States by said company in deed dated June 10, 1915, and particularly described as follows:

In the city of Key West, county of Monroe and State of Florida, beginning at the southwest corner of a sea wall of concrete bearing north 58° 30′ east from a post 101.2 feet distant, said post being on the north side of the county road and at the eastern end of same, East Martello Tower bearing south 11° 30′ west, distant 5,350 feet; thence running north 23° west 465 feet to an iron bolt bearing south 63° 30′ east from a post and pile of stones 156 feet distant; thence running north 67° east 527.5 feet to an iron blot at mean high-water line; thence running southerly along said mean high-water line 640 feet to an iron bolt driven into rock; thence running south 67° west 121 feet in line with said sea wall to the place of beginning, containing 4 acres, more or less, together with riparian rights, all courses and bearings herein being magnetic.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES N. NEAL

The bill (S. 5679) for the relief of Charles N. Neal was announced as next in order.

Mr. KING. Mr. President, I see no reason for a special bill in this case. We have an omnibus retirement bill. I can not understand the necessity for a special bill.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. REED of Pennsylvania. Mr. President, I beg the Senator to let me make an explanation of that bill.

This officer was hurt and became tubercular while he was in the Army as a temporary second lieutenant, which was a regular appointment. He resigned from the Army. That lost him any possible retirement privileges as a regular. He does not get any privileges under the Tyson-Fitzgerald Act because he was a regular and not an emergency officer; and so he stands to-day admittedly tubercular and incapable of self-support, without the retirement privileges of the regular and without the retirement privileges of the emergency officer.

In two or three other cases which were exactly the same, we have given him the same privilege that we have given other emergency officers. He must prove his case just the same, and he is treated like all other civilian officers.

Mr. KING. I assumed he would come under the Tyson bill.

Mr. REED of Pennsylvania. He can not, because he had a commission in the Regular Army.

Mr. KING. I have no objection.

Mr. REED of Pennsylvania. I ask that we return to the consideration of that bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate as in the Committee of the Whole, proceeded to consider the bill (S. 5679) for the relief of Charles N. Neal.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause, and to insert the following:

That any disability incurred in line of duty by Charles N. Neal while serving as an officer of the Army of the United States during the World War from March 26, 1917, to December 11, 1918, inclusive, shall be deemed and considered to have been so incurred while serving as an officer of the Army of the United States other than as an officer of the Regular Army, so as to entitle said Neal to the benefits and privileges of the emergency officers' retirement act (Public, No. 506, 70th Cong.): *Provided*, That such disability rating is sufficient and said Neal is otherwise eligible for retirement under the terms and conditions of said act: *And provided further*, That said Neal shall not be entitled to any back pay or allowances by the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CODE OF LAWS

The joint resolution (H. J. Res. 368) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements, was announced as next in order.

Mr. WALSH of Montana. Mr. President, since this joint resolution was recommended for amendment by the Committee on the Judiciary another measure has come to us from the House, House Joint Resolution 399, dealing with the same subject. I have a letter from Mr. FITZGERALD, of the House, whose diligence and attention to this particular subject is in every respect to be commended, asking for the substitution of the House joint resolution for the one on the calendar which has just been reached.

This provides for the compilation of supplements to the United States Code, for the printing and publication of the same, and also for a compilation of the same character of the laws applicable to the District of Columbia.

It likewise is an economy measure. These are great, large volumes and should not be printed in the numbers provided by the rules of both Houses for bills ordinarily. This restricts the number of copies that ought to be printed, and otherwise is a measure of economy. It has had the consideration of the Judiciary Committee, and I ask that that committee be discharged from the further consideration of House Joint Resolution 399 and that it be substituted for House Joint Resolution 368 and considered, and that House Joint Resolution 368 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Committee on the Judiciary was discharged from its further consideration and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 399) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate Joint Resolution 368 will be indefinitely postponed.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA

The bill (S. 5870) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, was announced as next in order.

Mr. PITTMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

FRANK L. MERRIFIELD

The bill (H. R. 4215) for the relief of Frank L. Merrifield was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES J. DOWER

The bill (H. R. 8598) for the relief of James J. Dower was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAYNES SLOUGH DRAINAGE DISTRICT, OREGON

The bill (S. 5365) granting the consent of Congress to the State of Oregon and the Haynes Slough drainage district to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Haynes Slough, Coos Bay, Coos County, Oreg., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 3, to strike out "Secretary of War" and to insert in lieu thereof the words "Chief of Engineers"; on line 4, to strike out the words "Chief of Engineers" and insert in lieu thereof the words "Secretary of War," so as to make the bill read:

*Be it enacted, etc.*, That the consent of Congress is granted to the State of Oregon, acting through its highway department, and to the Haynes Slough drainage district, organized under the laws of the State of Oregon, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and dike for preventing the flow of tidal waters into Haynes Slough, Coos Bay, Coos County, Oreg. Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

SEC. 2. The authority granted by this act shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within one year and completed within three years from the date of the passage of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. E. JONES

The bill (H. R. 16867) for the relief of H. E. Jones, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $38.43 to H. E. Jones, to cover the cost of power used to operate a canceling machine in the Bristol post office from February 15, 1921, to April 30, 1923.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 5887, for the relief of H. E. Jones, will be indefinitely postponed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 2901. An act to amend the national prohibition act, as amended and supplemented;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes; and

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 7244. An act for the relief of Mary Martin Harrison;

H. R. 13593. An act granting the consent of Congress to the village of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River between East Dundee and West Dundee, Ill.; and

H. R. 16701. An act to provide for the payment of rental to the board of commissioners of the port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and

Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

The message also announced that the House had adopted the following concurrent resolution, H. Con. Res. 60, in which it requested the concurrence of the Senate:

*Resolved by the House of Representatives (the Senate concurring)*, That the President of the Senate be authorized to appoint three Senators and the Speaker of the House to appoint three Members of the House of Representatives to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events which occurred during the colonial and Revolutionary period at New Bern, N. C.

NEW BERN (N. C.) CELEBRATION

Mr. SIMMONS. Mr. President, there has just been passed by the House of Representatives a concurrent resolution (H. Con. Res. 60), for the appointment of three Senators and three Members of the House to cooperate with the committee appointed by the Legislature of North Carolina to celebrate certain historical events occurring in the town in which I live. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER laid before the Senate the concurrent resolution, which was read and agreed to, as follows:

*Resolved, etc.*, That the President of the Senate be authorized to appoint three Senators and the Speaker of the House to appoint three Members of the House of Representatives to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events which occurred during the colonial and Revolutionary period at New Bern, N. C.

NORMAN O. ROSS

The bill (S. 4661) to place Norman O. Ross on the retired list of the Navy, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 3, to strike out the initial "O," and to insert the initial "A," so as to make the bill read:

*Be it enacted, etc.*, That the President is authorized to appoint Norman A. Ross, formerly a lieutenant (junior grade), Medical Corps, United States Navy, a lieutenant (junior grade), Medical Corps, United States Navy, and to retire him and place him on the retired list of the Navy as a lieutenant (junior grade), with the retired pay and allowances of that grade.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to place Norman A. Ross on the retired list of the Navy."

HOME FOR DISABLED VOLUNTEER SOLDIERS IN FLORIDA

The bill (S. 5202) to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Florida, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the Board of Managers of the National Home for Disabled Volunteer Soldiers is authorized and directed to select a tract of land approximating 300 acres now owned by the Federal Government located in the State of Florida or to acquire land by donation and without expense as a site for a branch home of the National Home for Disabled Volunteer Soldiers to be located in Florida. The land selected or acquired shall be transferred to the jurisdiction of the board of managers of said home, together with all books, maps, records, and other documents necessary for use, administration, and control of such land.

SEC. 2. The Board of Managers of the national home is authorized and directed to provide for the improvement of the land so selected or acquired and for the construction, equipment, operation, and maintenance thereon of suitable buildings for the use of a branch home.

SEC. 3. There is hereby authorized to be appropriated the sum of $3,000,000 to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURVEY OF FEDERAL PENAL SYSTEM

The bill (S. 3572) authorizing an appropriation for the purpose of defraying expenses incident to the making of a comprehensive survey covering the requirements of a Federal penal system was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, to strike out the word "next"; on page 1, line 4, after the word "session," to insert the words "beginning on December 2, 1929," so as to make the bill read:

*Be it enacted, etc.*, That the Attorney General of the United States shall submit to Congress at the commencement of the session beginning on December 2, 1929, a report with recommendations covering the establishment of an adequate Federal penal system.

SEC. 2. The Attorney General is authorized to employ by contract or otherwise, and without reference to the classification act of 1923 or to civil-service rules, such expert assistance as he may deem necessary in the preparation of this report, at rates of compensation to be fixed by the Attorney General.

SEC. 3. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated an amount of not exceeding $30,000, to be available for the payment of personnel, travel, and other expenses incident to the formulation of the report herein mentioned.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EASTERN JUDICIAL DISTRICT OF OKLAHOMA

The bill (H. R. 10431) to amend the act establishing the eastern judicial district of Oklahoma was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and to insert:

*Be it enacted, etc.*, That section 101 of the Judicial Code, as amended, be, and it is hereby, amended to read as follows:

"SEC. 101. The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the Northern District of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Pawhuska on the first Monday in May, at Miami on the first Monday in November, and at Bartlesville on the first Monday in June of each year: *Provided*, That suitable rooms and accommodations for holding court at Pawhuska, Miami, and Bartlesville are furnished free of expense to the United States.

"The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Okfuskee, Okmulgee, Pittsburg, Pushmataha, Pontotoc, Seminole, Stephens, Sequoyah, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Ada on the first Monday in March, at Okmulgee on the first Monday in April, at Hugo on the first Monday in May, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley and Durant at such times as may be fixed by the judge of the eastern district: *Provided*, That suitable rooms and accommodations for holding said court at Hugo, Poteau, Ada, Okmulgee, Pauls Valley, and Durant are furnished free of expense to the United States.

"The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland,

Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Oklahoma City on the first Monday in January, at Enid on the first Monday of March, at Guthrie on the first Monday of May, at Mangum on the first Monday of September, at Lawton on the first Monday of October, and at Woodward on the first Monday of November: *Provided*, That suitable rooms and accommodations for holding court at Mangum are furnished free of expense to the United States: *And provided further*, That the district judge of said district, or in his absence a district judge or a circuit judge assigned to hold court in said district, may postpone or adjourn to a day certain any of said terms by order made in chambers at any other place designated as aforesaid for holding court in said district.

"The clerk of the district court for the northern district shall keep his office at Tulsa; the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore; the clerk for the western district shall keep his office at Oklahoma City and shall maintain an office in charge of a deputy at Guthrie."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to amend section 101 of the Judicial Code, as amended."

J. H. B. WILDER

The bill (S. 5715) for the relief of J. H. B. Wilder was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. GEORGE subsequently said: Mr. President, was Order of Business 1494 objected to?

The PRESIDING OFFICER. Under objection of the Senator from Utah [Mr. KING] the bill will be passed over.

Mr. KING. I submitted an objection to it. I will withhold it, if the Senator desires to speak upon the bill. It indicates upon its face that it is a matter of interest, and the Government is not in the habit of paying interest. If it is not interest, but represents a difference in the cost of materials from those anticipated when the contract was let, then, under acts heretofore passed, relief should have been obtained.

Mr. GEORGE. It is not for interest, I will say to the Senator, and I understand the facts.

Mr. KING. We will reach the bill on the calendar again, and we can talk it over in the meantime.

Mr. GEORGE. It covers increased cost due to the coming on of the war. This contractor, like so many others, did not make his contract within the prescribed time, that is, within the definitely fixed time, but other relief bills of a similar character have been passed. The bill was introduced by my colleague. I have an impression that the House has passed a similar measure.

Mr. KING. I suggest that it be passed over now.

Mr. GEORGE. I would like to have it passed over without prejudice.

Mr. KING. I have no objection to that.

CHARLES W. TOWNSEND

The bill (S. 3691) to correct the military record of Charles W. Townsend, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles W. Townsend, late of Company F, First Battalion, Fifteenth Regiment of Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 1st day of February, 1865: *Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Charles W. Townsend."

MATTHIAS R. MUNSON

The bill (H. R. 14897) for the relief of Matthias R. Munson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC LIBRARY, LOS ANGELES

The bill (S. 3815) directing the copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate was announced as next in order.

Mr. SHORTRIDGE. Mr. President, House bill 14663, identical with the Senate bill, has been messaged to the Senate. I move that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. The Chair is informed that the House bill is not at present at the desk. The Chair will ask the Senator from California to allow this matter to be passed over until the bill is received.

The PRESIDING OFFICER subsequently said: The Chair will state to the Senator from California that the Chair now has House bill 14663, and, without objection, the Committee on Patents will be discharged from further consideration of the bill, the House bill substituted for the Senate bill, and it will be placed on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14663) directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate, and it was read, as follows:

*Be it enacted etc.*, That the Commissioner of Patents is authorized and directed to supply to the public library of the city of Los Angeles, at the regular rate of $50 per annum prescribed by law for public libraries of the United States, uncertified printed copies of patent specifications and drawings published during the years 1915 to 1925, inclusive: *Provided*, That the public library of the city of Los Angeles shall pay to the Commissioner of Patents the sum of $2,500, which sum shall be deposited in the Treasury of the United States in accordance with the provisions of the act of March 6, 1920 (41 Stat. L. 512; U. S. C. title 35, sec. 79).

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical services, stationery, and supplies for carrying into effect this act for the fiscal year ending June 30, 1930, $2,500, to be expended by the Commissioner of Patents.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The bill (S. 3815) directing that certain copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate, will be indefinitely postponed.

MRS. MOORE L. HENRY

The bill (H. R. 7976) for the relief of Mrs. Moore L. Henry was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT C. OSBORNE

The bill (H. R. 3722) for the relief of Robert C. Osborne was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. H. E. MINER AND OTHERS

The bill (S. 4308) for the relief of Maj. H. E. Miner, Capt. A. J. Touart, Capt. J. L. Hayden, Capt. H. H. Pohl, First Lieut. C. C. Jadwin, and First Lieut. F. B. Kane, United States Army, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maj. H. E. Miner, $2,322.40; Capt. A. J. Touart, $672; Capt. J. L. Hayden, $6,819.90; Capt. H. H. Pohl, $7,524.62; First Lieut. C. C. Jadwin, $3,566.72; and First Lieut. F. B. Kane, $3,601.90, out of any money in the Treasury not otherwise appropriated, as reimbursement for loss by fire of personal property stored at West Point, N. Y., on August 11, 1927.

Mr. KING. Mr. President, I want to make an inquiry concerning this bill. I remember the subject has been under consideration heretofore as to the liability of the Government for property owned by officers which was lost, either upon ships or in warehouses or storage warehouses under the control of the Government. There has been a view that there ought to be a limitation of the amount for which the Government should be liable, if there was any liability at all.

Mr. CARAWAY. Mr. President, these officers were detailed to West Point, and there was not sufficient housing for them. As I now remember, it was about 44 days from the time they reported before they could get their quarters assigned. While they were waiting for their quarters to be assigned, their household effects were stored in a Government-owned building, which burned up, and all their effects burned up with it. Some

of them had insurance, which they were privileged to take out under an Army order of some kind. That has all been subtracted from the amount allowed, together with a sum for depreciation. It was the committee's impression that the officers presented a meritorious case. They put their goods where they had to put them. They were detailed to that place, and there was nothing else for them to do.

Mr. KING. I ask the Senator, and I ask for information, if he regards a measure as sound policy that would hold the Government liable for all the property which officers may carry with them to various places where they are assigned.

Mr. CARAWAY. No; I do not think so, as a general rule; but officers are compelled to go where they are sent. They furnish their own homes. Their assignments usually cover four years, so they are compelled to take what they have with them. These officers were compelled to report, there was no other place for them to put their effects until they were assigned quarters; they put them where they were directed to put them, and they were destroyed.

Mr. KING. Does not the Senator think that the Government, furnishing them with those housing facilities, should be relieved from any liability for burglaries, or fire risks, and that the owners of the property should, if they desire insurance, protect themselves?

Mr. CARAWAY. I think the officers protected themselves as far as they could. That is my impression. In a case like this, where the officer has no choice, where he is sent on an assignment, is directed to put his effects in a certain place, and does it, and without fault of his they are destroyed, I think he should be paid for them.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I do not object, but this is a very dangerous precedent. It simply means that the Government of the United States shall become an insurer for all the property of all its employees, officers, and what not, no matter what the value of the property may be. Suppose these officers had property worth twenty or thirty or forty thousand dollars each, bric a brac, and other valuable personal property. Is the Government to be responsible? It seems to me it is a very dangerous precedent. I will not object, but I shall feel constrained to vote against it. I think the precedent is wrong. I believe it will involve the Government in the payment of hundreds of thousands of dollars damages, and the result will be that the owners of personal property will not take out insurance or protect themselves as they otherwise would, feeling that if their property is in a Government house, the Government assumes the risk. It is a very dangerous precedent. I hope the bill will be rejected, but I shall not object to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

D. B. TRAXLER

The bill (S. 4336) for the relief of D. B. Traxler, president of the Realty Corporation of Greenville, S. C., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$5,000" and to insert "$982.70," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $982.70 to D. B. Traxler, president of the Realty Corporation of Greenville, Greenville, S. C., for damages sustained by reason of the failure of the War Department to remove certain obstructions on land leased the War Department near Greenville, S. C., for war purposes, by the said D. B. Traxler, president of the Realty Corporation of Greenville.

Mr. SMITH. Mr. President, I do not think any more worthy bill than this has ever been before the Senate. This man, D. B. Traxler, a boyhood companion of mine, owned land within certain areas leased to the Government for Camp Sevier. The contract provided that when the Government vacated it was to restore the property to the condition in which it was when received. I hope the bill may be passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK O. GOLDSMITH

The bill (H. R. 4440) for the relief of Frederick O. Goldsmith, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $1,150.95 to Lieut. Frederick O. Goldsmith, of Belmont, Mass., on account of expenses incurred by him for civilian medical treatment while sick with typhoid fever in 1923, at which time he was attached to the U. S. S. *Ramapo*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. M. GILLETT AND J. J. SWENARTON

The bill (H. R. 7330) for the relief of E. M. Gillett and J. H. Swenarton was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the General Accounting Office is hereby authorized and directed to adjust and settle the claim of E. M. Gillett in the sum of $631.82, and the claim of J. H. Swenarton in the sum of $631.82, in connection with the inspection of tea for the Navy during the fiscal year 1926, and to pay the amounts allowed from the appropriation "Provisions, Navy, Bureau of Supplies and Accounts, 1926."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

T. P. BYRAM

The bill (H. R. 10508) for the relief of T. B. Byram was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the General Accounting Office be authorized and directed to pay to T. P. Byram, lieutenant (retired), Supply Corps, United States Navy, the sum of $199.57, pay and allowances due him for active duty performed by him during the period from August 6 to August 26, 1921, inclusive, prior to the approval of his bond by the Secretary of the Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. L. INABNIT

The bill (S. 3340) for the relief of W. L. Inabnit was announced as next in order.

The PRESIDING OFFICER. This is the same as Calendar 2010, the bill (H. R. 9530) for the relief of W. L. Inabnit.

Mr. SACKETT. I ask that the House bill be substituted for the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9530) for the relief of W. L. Inabnit, and it was read, as follows:

*Be it enacted, etc.*, That the United States Employees' Compensation Commission be, and is hereby, authorized and directed to place upon its compensation roll, subject to the provisions and limitations of the compensation laws of employees of the United States, the name of W. L. Inabnit, former employee of the United States, and pay him compensation at the rate of $66.67 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The bill (S. 3340) for the relief of W. L. Inabnit will be indefinitely postponed.

Mr. SWANSON. Mr. President, there are a great number of bridge bills on the calendar next following, and I do not see why we may not pass them en bloc.

Mr. BAYARD. I shall have to object to one of the bills. With that one exception, I have no objection to the suggestion.

Mr. KING. Mr. President, the leader on this side of the aisle, the senior Senator from Arkansas [Mr. ROBINSON], has objected to that policy and I think it is wise. Therefore I object.

The PRESIDING OFFICER. Objection being made, the bills will be called in their order.

OHIO RIVER BRIDGE, NEW MARTINSVILLE, W. VA.

The bill (H. R. 15570) authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, S. R. Cox, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, at or near New Martinsville, Wetzel County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon S. R. Cox, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said S. R. Cox, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been so provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper repair, maintenance, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said S. R. Cox, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of West Virginia and Ohio a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of either of such highway departments shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said S. R. Cox, his heirs, legal representatives, and assigns, shall make available all of the records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive, for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to S. R. Cox, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 15715) authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth was announced as next in order.

Mr. BAYARD. I object.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BRIDGE BILLS

The following House bridge bills, reported from the Committee on Commerce, were considered as in Committee of the Whole, reported to the Senate without amendment, read the third time, and passed:

The bill (H. R. 15717) to extend the time for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

The bill (H. R. 15718) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at or near Lake Street, in the city of Gary, county of Lake, Ind.;

The bill (H. R. 15916) to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

The bill (H. R. 16126) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

The bill (H. R. 16205) authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

The bill (H. H. 16345) authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

The bill (H. R. 16382) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

The bill (H. R. 16383) to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

The bill (H. R. 16384) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

The bill (H. R. 16385) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

The bill (H. R. 16386) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

The bill (H. R. 16387) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

The bill (H. R. 16388) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

The bill (H. R. 16389) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

The bill (H. R. 16423) to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

The bill (H. R. 16425) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

The bill (H. R. 16426) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

The bill (H. R. 16427) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

The bill (H. R. 16430) to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

The bill (H. R. 16431) to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

The bill (H. R. 16433) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

The bill (H. R. 16448) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

The bill (H. R. 16499) to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

The bill (H. R. 16531) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.

The bill (H. R. 16603) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

The bill (H. R. 16604) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

The bill (H. R. 16605) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

The bill (H. R. 16606) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

The bill (H. R. 16609) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

The bill (H. R. 16610) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

The bill (H. R. 16640) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

The bill (H. R. 16645) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

The bill (H. R. 16791) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

The bill (H. R. 16818) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.; and

The bill (H. R. 17020) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.

MAUDE A. SANGER

The bill (H. R. 4029) for the relief of Maude A. Sanger, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Director of the United States Veterans' Bureau is authorized and directed to pay to Maude A. Sanger, the mother of Paul E. Sanger, all such installments of money which she would be entitled to receive if the said Paul E. Sanger, who died on April 4, 1917, from injuries suffered in the military service of the United States, had made a valid application for war-risk insurance in the sum of $5,000 under the war risk insurance act, as amended, had named the said Maude A. Sanger as his beneficiary, and had died while such insurance was in effect. The first of such installments shall be paid within 90 days from the date of the enactment of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED L. DIEBOLT, SR., AND ALFRED L. DIEBOLT, JR.

The bill (H. R. 12475) for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr., was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with amendments, on page 1, line 7, to strike out the word "child" and the semicolon and insert the word "child," and in the same line to strike out the words "the additional sum of $10,000 is hereby appropriated"; and on page 1, line 10, to strike out "$5,000" and insert "$10,000," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred L. Diebolt, sr., the sum of $10,000 in full settlement for the death of his wife and child and for personal injuries and hospital expenses of Alfred L. Diebolt, sr., and his family; and a further sum of $10,000 is hereby appropriated to be paid to the legal guardian of Alfred L. Diebolt, jr., for the loss of an eye by said Alfred L. Diebolt, jr., and for pain, suffering, and disfigurement as a result of a collision between the automobile operated by Alfred L. Diebolt, sr., and an Army truck on the Plattsburg Highway near Chazy, N. Y., September 17, 1927: *Provided*, That no part of the amount of any item appropriated in this act in excess of $200 thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which exceeds $200 of the amount of any item appropriated in this act on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, I must object to the further consideration of the bill.

Mr. CARAWAY. Mr. President, of all the bills on the calendar I think if the Senator had time to examine the report he would feel most inclined to let it pass.

Mr. KING. Let me state to the Senator my objection. In most of the bills which we have passed we have provided for $3,000 to $5,000 for the death of persons. I find here $10,000 provided. I wonder what is the reason for that?

Mr. CARAWAY. A professor, his wife and two boys were driving along the highway, and soldiers, under conditions which I shall not discuss, stopped a truck on the road and he was injured.

Mr. KING. We may abbreviate the matter. Does the bill provide $10,000 for each person injured?

Mr. CARAWAY. Oh, no. It gives $10,000 to a little boy 4 or 5 years old who had the side of his face caved in and other injuries.

Mr. KING. I understood the bill called for a payment of $10,000 for a death. My objection was that it would be doing something contrary to our previous practice, which was to provide $5,000. I have no objection.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

UTE INDIANS IN UTAH, COLORADO, AND NEW MEXICO

The bill (H. R. 16985) authorizing the Uintah, Uncompahgre, and the White River Bands of Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims was considered as in Committee of the Whole.

Mr. KING. Mr. President, the Senate passed a bill sometime ago that went to the House, and the House insisted upon certain amendments. Thereupon a bill was offered in the Senate incorporating the amendments as a new bill. The House passed the bill, which is the same as the one now before us.

The PRESIDING OFFICER. The House bill is now on the calendar.

Mr. KING. I ask that the House bill be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.*, That jurisdiction be, and is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the acts of Congress of May 27, 1902 (32 Stat. 263), and March 3, 1905 (33 Stat. 1069), or arising under or growing out of any subsequent act of Congress or Executive order or arising under any treaty or agreement which said Uintah, Uncompahgre, and White River Bands of Ute Indians in Utah and Colorado may have against the United States, and arising under or growing out of the act of February 20, 1895 (28 Stat. 677), and subsequent acts

of Congress and proclamations of the President relating thereto, setting apart as a separate reservation for the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico a tract of approximately 1,056,000 acres of land, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States. Said court shall determine the value of all lands which have been set apart and reserved from the ceded Ute Indian lands as forest reservations or for other public uses under existing laws and proclamations of the President as if disposed of under the public land laws of the United States: *Provided*, That the value of coal-bearing lands shall not be fixed at a sum in excess of $15 per acre. The court shall have jurisdiction to hear and determine the several as well as the joint rights of the parties plaintiff and render judgment accordingly.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within two years from the approval of this act; and such suit or suits shall make the Uintah, Uncompahgre, and White River Bands of the Ute Indians parties plaintiff and the United States party defendant. A separate petition shall be filed on behalf of the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, which petition shall make said Indians parties plaintiff and the United States party defendant: *Provided*, That the Uintah, Uncompahgre, and White River Bands of the Ute Indians may be joined should this be necessary to adjudicate any rights which they may have in the matter sought to be litigated. The petition or petitions shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with said Indians approved in accordance with existing law and shall set forth all the facts on which the claims for recovery are based. A copy of the petition or petitions in such suit or suits shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be desginated by him as heretofore directed, shall appear and defend the interests of the United States.

SEC. 3. In said suit or suits the court shall hear, examine, and adjudicate any claims which the United States may have against said Uintah, Uncompahgre, and White River Bands of the Ute Indians and the Southern Ute and the Ute Mountain Bands of Ute Indians, but any payment, including gratuities, which the United States may have made to said Indians, shall not operate as an estoppel but may be pleaded as an offset in such suit.

SEC. 4. If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, Executive order, or agreement as provided in section 1 hereof, has unlawfully appropriated or disposed of any property belonging to said Indians, the damage therefor shall be confined to the value of such property at the time of such appropriation or the disposal thereof except as otherwise provided in section 1 of this act; and with reference to all claims which may be the subject matter of the suit or suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of said Indians in and to such property.

SEC. 5. The Court of Claims shall have full authority by proper order and process to bring in and make party to such suit or suits any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy. Said court shall determine and render separate judgment for any amount found due to the Confederated Bands of Ute Indians under the terms of the jurisdictional act approved March 3, 1909 (35 Stat. 788).

SEC. 6. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, based upon actual services rendered, together with all necessary and proper expenses incurred in preparation and prosecution of the suit or suits, to be paid to the attorney or attorneys employed by said tribes or bands of Indians, and the same shall be included in the decree and shall be paid out of any sums or sums found to be due said tribes or bands: *Provided*, That said court shall enter a separate judgment under the provisions and limitations above set out for the attorney or attorneys representing the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, based upon the amount of recovery for said Indians, which recovery shall also be entered as a separate judgment: *Provided further*, That if the Court of Claims shall find that any attorney or attorneys rendered any services to the Uintah, Uncompahgre, and White River Bands of Ute Indians under a contract executed September 24, 1921, by said Indians, which contract was not approved as provided by section 2103 of the Revised Statutes prior to December 20, 1927, the court shall fix such compensation on the quantum meruit basis as to it shall seem reasonable, to be paid out of any sum found to be due such tribes. The total sum of attorneys' fees in no event shall exceed the limitation herein provided.

SEC. 7. The proceeds of all amounts, if any, recovered for said Indians, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

Such proceeds shall be thereafter subject to appropriations by Congress for educational, health, and industrial and other purposes for the benefit of the said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Calendar No. 1770, Senate bill 5752 of the same title, will be indefinitely postponed.

SEWER OUTLET IN THE ALLEGHENY RIVER, PITTSBURGH, PA.

The bill (H. R. 16988) to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the sewer outlet constructed in the Allegheny River at Thirty-second Street, Pittsburgh, Pa., by the city of Pittsburgh, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the construction of said sewer outlet.

SEC. 2. That any changes in said sewer outlet which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGISTRATION OF NURSES, DISTRICT OF COLUMBIA

The bill (H. R. 15387) to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia" was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That from and after June 30, 1929, the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," be amended to read as follows:

"That from and after the 30th day of June, 1929, no person shall in the District of Columbia in any manner whatsoever represent herself to be a registered, certified, graduate, or trained nurse, or allow herself to be so represented, unless she has been and is registered or is registered by the nurses' examining board in accordance with the provisions of this act.

"SEC. 2. The nurses' examining board shall be composed of five members appointed by the Commissioners of the District of Columbia. Those persons who are members of the nurses' examining board on June 30, 1929, shall continue to be members of the said board for the remainder of the terms for which they were appointed. The term of each member of said board shall be five years. All appointments shall be made so that the term of one member expires on the 30th day of June of each year. Each vacancy or unexpired term shall be filled by appointment from a list of five nominees submitted to the Commissioners of the District of Columbia by the Graduate Nurses' Association of the District of Columbia. Each nominee shall have had not less than five years' experience in the profession of nursing, be a registered nurse registered in the District of Columbia, and a member of the Graduate Nurses' Association of the District of Columbia. The Graduate Nurses' Association of the District of Columbia shall make such nominations to the said commissioners. No member of said board shall enter upon the discharge of her duties until she has taken oath faithfully and impartially to perform the same; and the said commissioners may remove any member of said board for neglect of duty or for any just cause.

"SEC. 3. The nurses' examining board shall meet in the District of Columbia between June 30, 1929, and July 15, 1929, and organize the board in accordance with the provisions of this act, and annually thereafter shall meet in the month of April for the annual organization of the board. At each such organization meeting the board shall elect from its members a president and a vice president, and it shall also appoint an executive secretary of the board, who shall not be a member of the board, but who shall possess the requirements necessary for membership in the board. The secretary-treasurer of the said board who is acting in that capacity on July 1, 1929, for the unexpired term commencing in April, 1929, shall cease to hold office as secretary-treasurer of the board on and after July 1, 1929. The executive secretary shall ex officio act as treasurer of the board and as such shall furnish a bond in the penal sum which shall be fixed by the Commissioners of the District of Columbia. The said board shall adopt such by-laws as it shall deem necessary for carrying into effect the provisions of this act and may amend such by-laws from time to time at the discretion of said board. The executive secretary shall be required to keep a record of all meetings of the board and also a register of all

nurses duly registered or reregistered under this act, and to furnish a certificate of registration or of reregistration to all such nurses; also to maintain a registry of nurses' training schools in the District of Columbia approved by said board. The board shall hold examinations not less frequently than once a year, and notice of each examination shall be given in one daily newspaper published in Washington and in one nursing journal at least 30 days prior to the examination. The executive secretary shall inspect all recognized schools of nursing in the District of Columbia, and report to said board as to the sufficiency and quality of training afforded by such schools. The executive secretary may be removed by a majority vote of the said board for neglected duty or any just cause.

"SEC. 4. That every nurse desiring to register in the District of Columbia shall make application to the nurses' examining board for examination and registration, and at the time of making such application shall pay to the treasurer of said board $15. Said applicant must furnish satisfactory evidence that she is over 21 years of age, or that she will attain the age of 21 years within six months after the date fixed for the necessary examination to be held by said board after the date of such application. Except as otherwise provided in this act, an applicant shall not be registered unless she has passed an examination by the nurses' examining board. No nurse shall be registered in the District of Columbia who has not attained the age of 21 years. Said applicant must also furnish satisfactory evidence of good moral character, and further that she holds a diploma from a training school for nurses which has been registered by the nurses' examining board of the District of Columbia: *Provided, however,* That no training school shall be registered which does not maintain proper educational standards and give not less than two years' training in a general hospital or in a special hospital with adequate affiliations, all of which shall be determined by the nurses' examining board.

"SEC. 5. That any nurse who is at least 21 years of age and of good moral character and who presents satisfactory evidence that she has, prior to July 1, 1924, graduated from a school of nursing connected with a hospital, and that she has been engaged in nursing in the District of Columbia prior to July 1, 1929, shall be entitled to registration without examination upon payment of the registration fee of $15: *Provided, however,* That application for such registration must be made on or before June 30, 1932.

"SEC. 6. That the nurses' examining board shall have power to register in like manner without examination any graduate or trained nurse registered as a nurse by examination in another State or Territory who holds a diploma from a nurses' training school outside of the District of Columbia which, in the opinion of said board, maintains a standard substantially equivalent to that provided for by this act.

"SEC. 7. Each nurse who has been registered in the District of Columbia shall be reregistered each year on the 1st day of July upon application to the executive secretary of said board and the payment of a fee of $1: *Provided,* That such fee of $1 shall not be payable in case the applicant has been originally registered within the 12 months next preceding the day for reregistration. Application for reregistration may be made within 60 days preceding the day of reregistration. Registration of any nurse who does not thus apply for reregistration for any year shall be automatically canceled as of the beginning of such year. The by-laws adopted by the nurses' examining board shall define the conditions upon which the registration of a nurse may be restored. Schools of nursing in the District of Columbia may apply to said board for registration and, with the exception of schools of nursing maintained at Government expense, shall pay a fee of $25 at the time application is made. Each such school registered shall apply each year for reregistration, and, with the exception of schools of nursing maintained at Government expense, at the same time pay a fee of $1: *Provided further,* That on the petition of any applicant to whom registration or reregistration has been denied by the nurses' examining board, the action of the board may be reviewed by the Supreme Court of the District of Columbia on a writ of certiorari, subject to appeal to the Court of Appeals of the District of Columbia, in the same manner as appeals are taken in similar cases.

"SEC. 8. No person shall file or attempt to file with the nurses' examining board of the District of Columbia any statement, diploma, certificate, credential, or other evidence when she knows, or when she might by reasonable diligence ascertain, that it is false and misleading. The Supreme Court of the District of Columbia, sitting as a court of equity, may suspend or revoke any certificate issued and any registration effected under this act upon evidence showing to the satisfaction of the court that the registrant has been guilty of misconduct or is professionally incapacitated. Proceedings looking toward the suspension or revocation of a certificate or registration shall be begun by petition filed in the Supreme Court of the District of Columbia in the name of the nurses' examining board, or of the Commissioners of the District of Columbia, or of the major and superintendent of police of said District, and shall be verified by oath. Proceedings shall be conducted by the United States attorney for the District of Columbia according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purpose and intent of this act. An appeal may be taken from the decision of the Supreme Court of the District of Columbia to the Court of Appeals of said District. Any such appeal on behalf of the Commissioners of the District of Columbia or of the major and superintendent of police of said District may be filed without bond. The Supreme Court of the District of Columbia may determine whether a certificate or registration shall be suspended or be revoked, and if such certificate or registration is to be suspended said court may determine the duration of such suspension and the conditions under which said suspension shall terminate.

"SEC. 9. That all expenses incident to the execution of the provisions of this act shall be paid from fees collected from schools of nursing and from registration or reregistration of nurses. The executive secretary of said board may receive a salary to be fixed by said board at its annual organization meeting not to exceed the rate of $250 per month. Each member of the board shall receive a per diem allowance at the rate of $10 per day for each full day such member is actually engaged in the performance of duties as a member of the board. The payment of such per diem allowance shall be made from any unexpended balance in the treasury of said board remaining on June 30 of the year during which the services have been rendered, and if the unexpended balance is insufficient to meet the total amount of such per diem allowance, the rate of compensation shall be reduced to a rate which will permit payment from such unexpended balance. That such expenses shall in no event exceed the total of receipts. All registration or reregistration fees shall be paid to the treasurer of the board, and shall be paid out under the orders of the board. That it shall be the duty of the auditor of the District of Columbia to audit the accounts of the nurses' examining board at the end of each fiscal year and to make report thereof in writing to the Commissioners of the District of Columbia. The said auditor shall have free access to all books, papers, and records of the board. The nurses' examining board shall make annual reports to the Commissioners of the District of Columbia containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year.

"SEC. 10. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $200 or by imprisonment in the workhouse for a period not exceeding 60 days.

"SEC. 11. That nothing in this act shall be construed to prevent any person from nursing any other person in the District of Columbia, either gratuitously or for hire: *Provided,* That such person so nursing shall not represent herself as being a registered, certified, graduate, or trained nurse.

"SEC. 12. That the word 'she' and the derivatives thereof, wherever they occur in this act, shall be construed so as to include the word 'he' and derivatives."

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, on page 4, line 19, in section 4, to strike out "$15" and insert "$10"; on page 5, line 20, in section 5, to strike out "$15" and insert "$10"; and on page 5, line 22, in section 6, to strike out the words "have power to."

The amendments were agreed to.

Mr. KING. Mr. President, may I inquire of the Senator from Kentucky [Mr. SACKETT]? The Senator will recall that at the hearings some representatives of nurses' organizations appeared and asked that a certain word be eliminated.

Mr. SACKETT. We have taken out the words "have power to" and required them to have reciprocity absolutely.

Mr. KING. That is not the point to which I refer. I refer to the use of the word "trained."

Mr. SACKETT. That is a necessary part of the bill. We can not get away from it. The bill would not amount to anything if that were not included. A woman who represented an agency asked that it be taken out, but that was the whole point to the bill and that was what the doctors of the District through their representatives brought to the attention of the committee at the second hearing. They are very dependent upon knowing the type of nurses that they use.

Mr. KING. I was not able to attend the second hearing. Let me ask the Senator if this bill as it is now agreed upon would make it an offense for any graduate nurse to pursue her calling here in the District without being registered?

Mr. SACKETT. No, it would not; but it would prevent her from going out and advertising herself as a trained nurse or graduate nurse without being registered. It would not prevent the practice of her profession.

Mr. BLACK. Mr. President, let the bill go over.

Mr. SACKETT. Oh, Mr. President, I hope the Senator will not object. It is a very necessary bill.

Mr. BLACK. I suggest that the Senators confer about it while we are passing other bills.

Mr. SACKETT. It will take us only a moment longer, I assure the Senator.

Mr. BLACK. Very well; I will withdraw my objection.

Mr. KING. Let me ask the Senator one more question. Some of the nurses, I think, have been discriminated against. The Senator will recall that one of the nurses who had rendered valuable service, who was a graduate nurse, was refused registration because she had married.

Mr. SACKETT. We could not find any such thing at all.

Mr. KING. There seemed to be some sort of discrimination, and I felt constrained at the hearings to say it looked like a de luxe organization seeking to control the nurses of the District.

Mr. SACKETT. We did not find that to be the case at all.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. This requires the board to accept the registration of nurses who desire to be registered. Those nurses who do not care to go in under registration and to have the advantages of the official employment bureau are not required to do so and nothing interferes with their practice as nurses in the ordinary sense.

Mr. KING. Then other nurses may practice their profession without being subject to fine and imprisonment.

Mr. COPELAND. Yes.

Mr. KING. I have some misgivings, but I shall not object.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was, on page 8, line 17, after the words "rate of," to strike out "$250" and insert "$200," so as to read:

SEC. 9. That all expenses incident to the execution of the provisions of this act shall be paid from fees collected from schools of nursing and from registration or reregistration of nurses. The executive secretary of said board may receive a salary to be fixed by said board at its annual organization meeting not to exceed the rate of $200 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MISSOURI RIVER BRIDGE, WASHINGTON, MO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16641) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGES IN NEBRASKA

The bill (S. 5832) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr., was announced as next in order.

Mr. NORRIS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5833) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr., was announced as next in order.

Mr. NORRIS. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, I ask unanimous consent that as to Order of Business 2006, being the bill (S. 5832) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr., and Order of Business 2007, being the bill (S. 5833) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr., which have been passed over, the amendments, which have been reported by the Committee on Commerce, may be agreed to so that if those bills ever shall again come up for consideration the amendments will be taken care of.

Mr. NORRIS. Mr. President, let me say to the Senator from New York that I know nothing about these bills.

Mr. COPELAND. Neither do I.

Mr. NORRIS. But, as the Senator knows, my colleague, the junior Senator from Nebraska [Mr. HOWELL] is ill and unable to be present. I, therefore, have been asked on his behalf to object to the consideration of these bills.

Mr. COPELAND. Let me say that I am not asking for the passage of the bills. The Committee on Commerce has reported certain amendments to them, and I ask that the amendments be agreed to and that the bills be left on the calendar.

Mr. NORRIS. I have no objection to that, but I desire that they shall then go over without any further action by the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? Without objection, the amendments reported by the committee to the bills mentioned by him will be considered as having been agreed to, and the bills, as amended, will be returned to their places on the calendar.

MISSOURI RIVER BRIDGE, KANSAS CITY, KANS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16824) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 15218) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, was announced as next in order.

Mr. COPELAND. Mr. President I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MISSISSIPPI RIVER BRIDGE, ARKANSAS CITY, ARK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5825) extending the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Arkansas City, Ark., which had been reported from the Committee on Commerce with an amendment, in line 8, after the word "from" to strike out "the date of approval hereof" and to insert "March 29, 1929," so as to make the bill read:

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark., authorized to be built by Henry Thane, his heirs, legal representatives, and assigns, by the act of Congress approved March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, ALMA, WIS.

Mr. DALE. I ask that the next bill on the calendar, being the bill (S. 5829) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Alma, Wis., be taken from its place on the calendar under Rule VIII and put under Rule IX.

Mr. KING. Was that bill introduced by the Senator from Wisconsin [Mr. BLAINE]?

The PRESIDING OFFICER. It was.

Mr. DALE. The Senator from Wisconsin understands all about it.

Mr. KING. I have no objection to the request of the Senator from Vermont.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

MISSISSIPPI RIVER BRIDGE, BETTENDORF, IOWA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5844) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa, which had been reported from the Committee on Commerce with an amendment on page 2, after line 2, to insert a new section, as follows:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa, authorized to be built by B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W.

Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, by the act of Congress approved May 26, 1928, are hereby extended one and three years, respectively, from May 26, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LITTLE CALUMET RIVER BRIDGE, COOK COUNTY, ILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5824) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois, which had been reported from the Committee on Commerce with an amendment, at the top of page 2, strike out section 2, as follows:

SEC. 2. That the construction of the bridge authorized by this act shall be commenced within three years and completed within five years from the date of the passage of this act.

So as to make the bill read:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, at or near Ashland Avenue in said county and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, ARROW ROCK, MO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5834) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo., which had been reported from the Committee on Commerce with an amendment, on page 2, after line 2, to strike out section 2, as follows:

SEC. 2. That this act shall be null and void unless the construction of said bridge is commenced within two years and completed within five years from the date of the approval hereof.

So as to make the bill read:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the St. Louis-Kansas City Short Line Railroad Co., a corporation of the State of Missouri, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near the town of Arrow Rock, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, ST. CHARLES, MO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5835) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo., which had been reported from the Committee on Commerce with an amendment on page 5, after line 2, strike out section 2, as follows:

SEC. 2. That this act shall be null and void unless the construction of said bridge is commenced within two years and completed within five years from the date of the approval hereof.

So as to make the bill read:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the St. Louis-Kansas City Short Line Railroad Co., a corporation of the State of Missouri, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point about 4 miles south of west of the city of St. Charles, in the county of St. Charles, Mo., to a point in St. Louis County in said State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE NEAR MIAMI, MO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5837) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo., which was read, as follows:

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Saline County, Mo., authorized to be built by Frank M. Burruss, his heirs, legal representatives, and assigns, by an act of Congress approved February 28, 1928, are hereby extended one and three years, respectively, from February 28, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, ARROW ROCK, MO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5836) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo., which was read, as follows:

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo., authorized to be built by F. C. Barnhill, his heirs, legal representatives, and assigns, by an act of Congress approved February 28, 1928, are hereby extended one and three years, respectively, from February 28, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE, CINCINNATI, OHIO

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5845) granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio, which was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, above Cincinnati, Ohio, near Coney Island, to a point above Newport, Ky., opposite the Ohio terminal, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Kentucky & Ohio Terminal Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, transferred, or who shall acquire the same by mortgage or foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHESLEY P. KEY

The bill (S. 1112) for the relief of Chesley P. Key was announced as next in order.

Mr. KING. Mr. President, the bills now being reached on the calendar have not been placed upon our desks, and therefore we are strangers to them; at least I am. I should like to have the bill read.

The Chief Clerk read the bill.

Mr. KING. Is there a report accompanying the bill?

The PRESIDING OFFICER. According to the calendar the report is No. 1989.

Mr. KING. This bill and others are not in my file of bills. It seems to me we might pass these over.

Mr. HEFLIN. I suggest that they go over temporarily and that we get through with the bridge bills, and then take the other bills up later.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives, which will be read.

The bill (H. R. 14873) for the relief of Chesley P. Key was read twice by its title.

Mr. CARAWAY. Mr. President, I move to substitute the House bill just read by title for Senate bill 1112 and that the House bill be now considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14873) for the relief of Chesley P. Key, which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, and in full settlement against the Government, to Chesley P. Key, of Collinsville, Ill., the sum of $3,500 for injuries of a permanent nature to his spine received when the skylight in the Collinsville post office fell upon him while a patron of said post office on October 27, 1918.

Mr. CARAWAY. Mr. President, I understand the Senator from Utah desires an explanation of the bill. I will make a very brief one. This man was injured permanently by a skylight which fell on him while he was in the post-office building where he went to get his mail. The injury resulted in almost total disability.

Mr. KING. I have no objection, but, Mr. President, we are under great disadvantage because these bills are not on our file and we have no knowledge of their provisions. I have, however, no objection to this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1112 will be indefinitely postponed.

LEON FREIDMAN

The bill (H. R. 3044) for the relief of Leon Freidman was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. NORRIS. Mr. President, as to these bills we have no reports in our files.

Mr. WATSON. Why do we go on with these bills when there are no reports with them?

Mr. BORAH. Mr. President, there is one bill that does have a report which I should like to have considered.

Mr. CARAWAY. Mr. President, may I say a word in reference to the bill the title of which has just been read?

The PRESIDING OFFICER. In the interest of good order the Chair will ask Senators desiring to take the floor to address the Chair.

Mr. CARAWAY. Mr. President, I understood the Senator from Nebraska to suggest that there was no report with the bill the title of which has just been read. The individual named in the bill entered a plea and was fined under the Lever Act after the Supreme Court held that the law was unconstitutional and void. The Department of Justice asked that the fine be returned to him. There is no contention about the merits of the case.

Mr. NORRIS. I have no objection to the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3044) which was read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay to Leon Freidman, out of any money in the Treasury not otherwise appropriated, the sum of $2,750, the amount of a fine paid by Leon Freidman in pursuance of a judgment entered upon a plea nolo contendere under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, the said plea and said payment being made under a stipulation as follows: "In consideration that the Attorney General and this court shall accept the plea nolo contendere which I hereby tender to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me upon such plea, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. EDWARD BURKE

The bill (H. R. 3047) for the relief of J. Edward Burke was announced as next in order.

Mr. KING. Mr. President, I am going to ask that the bills that have not been placed on our desks and which are not accompanied by reports may go over. We have absolutely no information concerning them. I ask that we discontinue considering such bills.

Mr. McKELLAR. The Senator does not object to bridge bills being passed, does he?

Mr. KING. No.

Mr. McKELLAR. The next bills on the calendar are bridge bills. Let them be called.

The PRESIDING OFFICER. Senators will address the Chair.

Mr. BORAH. Mr. President, I desire to ask unanimous consent for the consideration of Order of Business No. 2041, being House bill 12189.

The PRESIDING OFFICER. Is there objection?

Mr. SACKETT. Mr. President, are we not to proceed with the calendar until the call is completed? I object if we are not going to consider the remaining bills on the calendar.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho has the floor. Does he yield to the Senator from Alabama?

Mr. BORAH. I have no desire to interfere with the orderly procedure on the calendar, but I understood that there was going to be an objection raised to the bills now being called by reason of the fact that the reports on the bills are not here. I have a bill accompanying which there is a report. I should like to secure action on the bill, as its prompt passage is urgent.

Mr. HEFLIN. I was going to say to the Senator there is only one bill on the calendar to be considered before we reach the bridge bills, of which there are several.

Mr. BORAH. Very well.

The PRESIDING OFFICER. The Chair understands that the Senator from Utah [Mr. KING] objected to Order of Business 2024, being House bill 3047, and the bill wil be passed over.

WABASH RIVER BRIDGE AT NEW HARMONY, IND.

The bill (S. 5858) authorizing the New Harmony Bridge Co., its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments. The first amendment was, in section 1, on page 1, line 6, after the word "assigns," to strike out "or his or their heirs, legal representatives, and assigns," so as to make the section read:

That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the New Harmony Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near New Harmony, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

The amendment was agreed to.

The next amendment was in section 2, page 2, line 7, after the word "assigns" to strike out "(or his or their heirs, legal representatives, and assigns)"; so as to make the section read:

SEC. 2. There is hereby conferred upon the New Harmony Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

The amendment was agreed to.

The next amendment was in section 3, page 2, line 21, after the word "assigns," to strike out "(or his or their heirs, legal representatives, and assigns)," so as to make the section read:

SEC. 3. The said New Harmony Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 12, after the words "expiration of," to strike out "20" and insert "5," so as to make the section read:

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Indiana, the State of Illinois, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

The amendment was agreed to.

The next amendment was, in section 6, page 4, line 25, after the word "assigns," to strike out "(or his or their heirs, legal representatives, and assigns)," and on page 5, line 17, after the word "assigns," to strike out "(or his or their heirs, legal representatives, and assigns)," so as to make the section read:

SEC. 6. The New Harmony Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Departments of the States of Indiana and Illinois, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said New Harmony Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

The amendment was agreed to.

The next amendment was on page 6, section 7, line 4, after the word "assigns," to strike out "(or his or their heirs, legal representatives, and assigns)"; so as to make the section read:

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the New Harmony Bridge Co., its successors and assigns; and any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

The amendment was agreed to.

The next amendment was on page 6, after line 11, to insert a new section as follows:

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

The amendment was agreed to.

The next amendment was on page 7, line 4, to change the number of the section from "8" to "9."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the New Harmony Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind."

COOSA RIVER BRIDGE AT GILBERTS FERRY, ALA.

The bill (H. R. 16432) granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE AT CHATTANOOGA, TENN.

The bill (H. R. 16719) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at a point suitable to the interest of navigation opposite or near Chattanooga, Hamilton County Tenn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAGINAW & MANISTEE LUMBER CO.

The bill (S. 5716) to authorize the exchange of timber with the Saginaw & Manistee Lumber Co. was announced as next in order.

Mr. HAYDEN. There is on the calendar a House bill which is identical with the Senate bill. It is House bill 12198. I ask that it may be substituted for the Senate bill and considered at this time.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12198) to authorize the exchange of timber with the Saginaw & Manistee Lumber Co., which was read, as follows:

*Be it enacted, etc.*, That the Secretary of Agriculture be, and he is hereby, authorized to grant to the Saginaw & Manistee Lumber Co. timber from national forest lands in Arizona, to be cut and removed under such conditions as the Secretary of Agriculture may require, in exchange for timber or seed trees of at least equal value, as determined by the said Secretary, on lands of the United States on which the said company has timber rights under the act of April 1, 1918 (40 Stat. p. 1358).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STOREKEEPER-GAUGERS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16393) to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes.

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. GEORGE. Mr. President, I think perhaps the Senator is familiar with the bill, but I may say that this bill is recommended by the Treasury Department.

Mr. KING. If the Senator will pardon me, I am familiar with the purpose of the bill. There are a large number of persons engaged as gaugers, but their time is not completely occupied.

Mr. GEORGE. They now work on a per diem basis, and they work, perhaps, for only a little while a day.

Mr. KING. And this bill is to increase the compensation for men whose work is diminishing.

Mr. GEORGE. This bill does not increase the money which the Government will have to pay, but it will enable the Government to require their entire time.

Mr. KING. It will mean, of course, that they will get more pay, but they will be used, perhaps, by other departments.

Mr. SACKETT. They will be used in other departments. There are only 260 of them left. We used to have 2,500 or 3,000. It is rather difficult work and requires an expert, and we can not get the right kind of men, on the basis of part-time employment, for the plants where alcohol is denatured and for the concentration warehouses. As I have said, only a comparatively few of these employees are still left there.

Mr. KING. But they are still there.

Mr. SACKETT. They are all under civil service. It is the only corps in the whole Treasury, as I understand, that is

still left on a per diem. In all fairness, they ought to be put in the same class as the other people in the department.

Of course, this is important in my State, where formerly we had a great many of these people, and where a few of them are left. So far as I can see, there is no effort here to do anything that is not in the interest of the Government. The bill passed the House unanimously.

Mr. KING. If they would concentrate the deposits of alcohol and liquor, and restrict the number of employees and gaugers, it would be far better for the Government; but there are a number of these employees, and of course it is desired to keep them on the roll, and they have not enough to do, and the theory is that they will be assigned to other labor.

Mr. SACKETT. I think the bill is a good bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. Oh, the Government has plenty of money, and I suppose we had better let the bill go through.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF PROCEDURE

Mr. REED of Pennsylvania. Mr. President, I want to suggest, in fairness to the bills themselves, that from here on the Senate should not proceed any further with the calendar. The bills are not in the files. There are no reports. We can not act intelligently on them. Many bills would be put over that otherwise would be passed; and if we start on the calendar again we will start after those bills instead of before them.

Mr. ROBINSON of Arkansas. The reports probably will be available to-morrow.

Mr. REED of Pennsylvania. I should think so.

Mr. NORBECK. There is a good deal to what the Senator says, but there are some exceptions. In some cases we have House bills here that are exactly the same as Senate bills that have been previously passed.

The PRESIDING OFFICER. The Chair will state to the Senate that under the unanimous-consent agreement it was agreed not only that we should go through the calendar but that bills reported to-day, on which there could not possibly be printed reports, should also be considered.

Mr. NORRIS. Mr. President, in accordance with that suggestion, unless we are taking up some more of these bills on the calendar, I want to ask the Chair to lay before the Senate——

Mr. GEORGE. Mr. President, let us finish the calendar first. When we reach a bill here that can not be satisfactorily explained, of course, any Senator is privileged to have it go over.

Mr. NORRIS. I have no objection.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

PATUXENT RIVER BRIDGE, CALVERT COUNTY, MD.

The bill (H. R. 16170) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md., was considered as in Committee of the Whole.

The PRESIDING OFFICER. This bill inadvertently was passed over while the clerk was reading the bills, and, without objection, it will be considered at this time.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMANDER FRANCIS JAMES CLEARY, UNITED STATES NAVY

The bill (H. R. 10274) for the relief of Commander Francis James Cleary, United States Navy, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 7, after the word "Navy," to strike out "on the 13th day of January, 1926, as an additional number in grade to perform engineering duty only, with rank as such immediately after Capt. Earl Peck Finney, United States Navy: *Provided*, That nothing herein shall be construed to entitle Commander Francis James Cleary, United States Navy, to any back pay, allowance, or other emoluments in this permanent rank," and to insert "on the date of this act," so as to make the bill read:

*Be it enacted, etc.*, That hereafter Commander Francis James Cleary, United States Navy, an additional number in grade and designated to perform engineering duty only, shall be regarded as having been promoted to the rank of captain in the United States Navy on the date of this act.

Mr. REED of Pennsylvania. Mr. President, may we have an explanation of that bill?

Mr. STEIWER. Mr. President, the printed bill is not in the calendar, but it has been printed and furnished to the Senate. I have the bill before me, and also the committee's report.

The person here named, Francis James Cleary, was a commander in the United States Navy, and has been in the regular service of the Navy for 29 years. Long ago in his service he lost a leg on account of a disability incurred in line of duty. He was made an extra number in grade and promoted from time to time, first by act of Congress and subsequently by recommendation of the selection board. At the recent consideration of his case, however, he was passed over by the board; and we find, upon consideration of this House bill, a rather unusual circumstance.

Undoubtedly he is entitled to the benefit of section 1494, which provided that he need not be physically fit for sea service in order to be eligible for promotion. The evidence before the subcommittee indicated that inadvertently the benefits of that act had not been extended to him. The report of the House committee states that he had been denied promotion because of his physical defect, and that had such defect been entirely disregarded he would have been assured, by his professional career in the Navy, of selection and promotion. Testimony before a subcommittee of the Senate Committee on Naval Affairs corroborates this conclusion.

It is merely for the purpose of seeing to it that the benefits of this act are extended to this officer that this bill is thought worth our while at this time.

Unfortunately, a real emergency exists. This man will go out of the service in September next by age unless relief is extended to him at this time.

May I read just another sentence from the committee report to show the attitude of the subcommittee upon this matter? The committee state that they consider that the system of promotion by selection now in effect in the Navy is based upon firm grounds, and believe in supporting the decisions of the selection boards and discouraging private legislation seeking to override such decisions.

The promotion of Commander Cleary by this bill is not considered by the committee as negating the action of the selection boards in any sense, and is recommended only because of the special circumstances of Commander Cleary's physical disqualification by wounds received in line of duty as stated above, and to insure that this disabled officer receive the benefits of section 1494, Revised Statutes.

We felt that this case was especially deserving, and should receive favorable consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. The Chair desires to state that owing to the late hour to which the Senate sat last night, it has been impossible for the pages to distribute the printed copies of the rest of the bills on the calendar; but the printed reports are available here, and any Senator may secure a copy by calling for one at the desk.

BILL PASSED OVER

The bill (S. 5865) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887, was announced as next in order.

Mr. BLACK. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN WESLEY CLARK

The bill (H. R. 13869) for the relief of John Wesley Clark was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. JOHN J. POWERS, QUARTERMASTER CORPS

The bill (H. R. 15293) for the relief of Lieut. John J. Powers, Quartermaster Corps, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL FARM LOAN ACT

The bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, I will ask the Senator from South Dakota, what is the amendment?

Mr. NORBECK. The bill as amended will be exactly the same as the Senate bill that passed the Senate some time ago.

The purpose of the bill is to give Porto Rico the advantage of the farm loan act, in order to meet their very distressing conditions.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The amendment was, on page 2, line 12, after the words "sum of," to strike out "$15,000" and insert "$25,000," so as to make the bill read:

*Be it enacted, etc.*, That the second paragraph of section 4 of the Federal farm loan act (U. S. Code of Laws, title 12, sec. 672), as amended, is amended to read as follows:

"The Federal Farm Loan Board shall establish in each Federal land-bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal Farm Loan Board, any Federal land bank may establish branches within the land-bank district. Subject to the approval of the Federal Farm Loan Board and under such conditions as it may prescribe, the provisions of this act are extended to the island of Porto Rico and the Territory of Alaska; and the Federal Farm Loan Board shall designate a Federal land bank which is hereby authorized to establish a branch bank in Porto Rico and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska. Loans made by each such branch bank shall not exceed the sum of $25,000 to any one borrower and shall be subject to the restrictions and provisions of this act (chap. 7 of title 12, U. S. C.), except that each such branch bank may loan direct to borrowers, and, subject to such regulations as the Federal Farm Loan Board may prescribe, the rate charged borrowers may be 1½ per cent in excess of the rate borne by the last preceding issue of farm-loan bonds of the Federal land bank with which such branch bank is connected: *Provided*, That no loan shall be made in Porto Rico or Alaska by such branch bank for a longer term than 20 years."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

J. H. B. WILDER

Mr. HARRIS. Mr. President, in my absence just now a bill introduced by me was reached; my colleague made a statement about it and it went over without prejudice. It is Senate bill 5715, Order of Business 1949.

This man made a contract with the Government for the erection of a public building at Forsyth, Ga.; the war came on, and he has presented affidavits here, which the committee has read, showing his losses. I will say to the Senator from Utah that no interest is included in the bill. Not only that, but the man lost every dollar he had in the world and he is now an object of charity. He lost it because the Government bid up the prices so against him that the building cost him that much more; and that is all he is asking for.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. HARRIS. Certainly.

Mr. KING. The Senator will recall that we passed a bill, or several bills, immediately after the war under which contractors who had suffered as the Senator has indicated this contractor suffered would have an opportunity to present their claims to the War Department or the Navy Department, as the case might be, and an adjustment would be made. Why did not this contractor present his claim to the Government through the channels that have been provided by the Government?

Mr. HARRIS. His books were burned, his home was burned, and he had no insurance. He lost everything on this contract, and then his home was burned, and that left him without anything; and he lost this amount because the Government bid against him after making this contract. He shows that, and the committee recommended the passage of the bill, and I sincerely hope there will be no objection to it. It is not possible to get the bill through the House at this session, but I should like to have it pass the Senate.

The PRESIDING OFFICER. Is there objection to returning to the bill?

Mr. KING. Mr. President, I shall not object to the consideration of this bill, but I wish to ask the Senator a question.

When Congress provided in a very generous mood—and I thought it was an unwise provision—for every contractor to submit his case to the instrumentalities set up and provided funds to meet the losses that resulted by reason of the change in industrial and other conditions, and persons failed to avail themselves of it and years afterwards come and ask Congress to take up their case in a special way when we had set up, as I say, machinery to determine whether there were losses and ascertain the losses and pay them, does not the Senator think it will be a bad precedent? Others will come who failed to present their claims for one reason or another; and now, years afterwards, when the evidence to ascertain the facts is out of the hands of the Government, we will be called upon to pay millions, or large sums of money, at any rate.

Mr. HARRIS. Ordinarily, I should agree with the Senator; but the man's books were burned when his home was burned, and he could not comply with some provisions of the law. He has statements here, however, from the men from whom he actually bought this material, showing his losses, and showing the difference between the prices at the time the contract was made and those that he had to pay afterwards, because the Government commandeered all this material. The case is an unusual one, and a very deserving one.

Mr. KING. I can only say in reply to the Senator that the man should have presented his claim to the Government, and alleged that his books were burned, and offered secondary evidence; and under the agency set up he could have been compensated.

I shall not object to the consideration of the bill, but I shall feel constrained to vote against it.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent that the Senate return to Order of Business 1949, Senate bill 5715, which was passed over without prejudice in the Senator's absence. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5715) for the relief of J. H. B. Wilder, which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay to J. H. B. Wilder, of Macon, Ga., or his legal representatives, out of any money in the Treasury not otherwise appropriated, such sum as in the judgment of the Secretary of the Treasury, and not in excess of $7,106.96, would represent the approximate interest cost to said J. H. B. Wilder, based upon changed conditions due to the World War, of completing his contract for the construction of the Federal building at Forsyth, Ga.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF FOR DESERT-LAND ENTRYMEN

The bill (S. 5730) amending the act of March 4, 1915, providing relief for desert-land entrymen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and insert:

That where it shall be made to appear to the satisfaction of the Secretary of the Interior with reference to any lawful pending desert-land entry made prior to July 1, 1922, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this act has in good faith expended the sum of $3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee 90 days from notice within which to pay to the register of the United States Land Office 50 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this act, and thereafter within one year from the date of the filing of such election to pay to the register the additional amount of $1.50 an acre, which shall entitle him to a patent for the land: *Provided*, That in case the final payment be not made within the time prescribed the entry shall be canceled and all money theretofore paid shall be forfeited.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161), as amended by the act of March 21, 1918 (40 Stat. 458)."

H. L. REDLINGSHAFER

The bill (H. R. 13258) for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIE ROSE JEAN BAPTISTE AND OTHERS

The bill (H. R. 12189) for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNUAL PER CAPITA COST IN INDIAN SCHOOLS

The bill (S. 5799) to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools, was announced as next in order.

Mr. FRAZIER. Mr. President, Orders of Business 2042 and 2043, Senate bill 5799 and House bill 17079, are identical. I move that the House bill be passed, and that the Senate bill be indefinitely postponed.

Mr. KING. Before that is done, I should like to ask the Senator if he regards it as wise legislation to remove the limitation placed upon the per capita charge?

Mr. FRAZIER. By all means. Under the present law the provision is, as I recall, not to exceed $270 per pupil for 200 or less pupils in a school. It is impossible to feed and clothe and care for those children under those circumstances. The present Budget for this year provides for $285. They have raised it about $15 or $20, if the pupils do not exceed 200 in number. The provision for the meals, under the old schedule, is not to exceed 25 cents a day for meals, and in some instances it runs much less than that. The Budget for the coming year will provide about 30 cents a day if this bill goes through.

Mr. KING. Perhaps the limit ought to be raised, no doubt it should be, but I was wondering the Senator thought it wise——

Mr. FRAZIER. I would not object if for a year or two they had a little more than they really needed in some of these schools, because the children have been starved almost to death altogether too long.

Mr. KING. If these bills are passed, then there will be no limit whatever?

Mr. FRAZIER. The limit will be taken off; yes.

Mr. KING. And it will be left entirely to the superintendents or others in charge?

Mr. FRAZIER. It will be in the discretion of the Bureau of the Budget. Now, that we have the Budget system, there is no danger of too much money being spent on the Indian children.

The PRESIDING OFFICER. Is there objection to the consideration of House bill 17079, to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 5799 will be indefinitely postponed.

LEO BYRNE

The bill (H. R. 14850) authorizing and directing the United States Employees' Compensation Commission to pay Leo Byrne at the rate of $100 a month, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from Missouri, in view of the fact that we have a compensation act, why this bill does not provide that this man shall have the benefit of the compensation act, without fixing the amount? It seems to me that is discrimination.

Mr. HAWES. Mr. President, this boy went to a training camp—Camp Knox—was ordered on a tower, and the tower fell and crushed him. He has been in Walter Reed Hospital ever since. He is completely paralyzed. I understand the legislation must take this form in order that he may receive $100 a month. The man can not live very long. His family have done everything they can.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHERRY CREEK BRIDGE, SOUTH DAKOTA

The bill (H. R. 16659), to authorize an appropriation to pay half the cost of a bridge across Cherry Creek on the Cheyenne River Indian Reservation, S. Dak., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHEYENNE RIVER INDIAN RESERVATION BRIDGE, SOUTH DAKOTA

The bill (H. R. 16660) to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AIR TRANSPORTATION OF MAIL

The bill (H. R. 16131) to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, that appears to be an important bill.

Mr. MOSES. Mr. President, this bill is before us as a result of one of the reports made by the committees to-day, and so is included in the unanimous-consent agreement. This particular bill, I will say, is the same bill that passed the Senate about two weeks ago, but when it reached the House it was discovered that the words "or Territories" should have been included in several places in the text in order that we might have air-mail connections with the Territory of Alaska and the Territory of Porto Rico. The House in its wisdom, however, instead of making those simple amendments and sending them to the Senate for concurrence, proceeded to pass a bill of their own.

Mr. REED of Pennsylvania. Mr. President, is Porto Rico a Territory?

Mr. MOSES. It is within the jurisdiction of the present distinguished occupant of the chair [Mr. BINGHAM], the chairman of the Committee on Territories and Insular Possessions.

Mr. REED of Pennsylvania. I think it will be found on investigation that it is not a Territory.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREE PUBLIC LIBRARY, DISTRICT OF COLUMBIA

The bill (H. R. 16662) to authorize appropriations for buildings, sites, and other facilities for the free Public Library of the District of Columbia, was announced as next in order.

Mr. KING. What is that bill? Is that the one calling for an appropriation of $2,000,000?

ORDER OF BUSINESS

Mr. REED of Pennsylvania. Mr. President——

Mr. KING. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I have no desire to impede the passage of proper bills, but I submit in all earnestness that it is not befitting the dignity of the Senate of the United States to pass bills that are not on the calendar, of which copies are not available to Senators, without any reports from the committees, without knowing in many cases from what committee they came, or what Senator reported them. I object to this bill, and I am going to object to all others.

Mr. FESS. Mr. President, there has been messaged to the Senate a joint resolution (H. J. Res. 377) authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus, which was referred to the Committee on the Library. I ask that the Senate proceed to the consideration of the joint resolution now.

Mr. REED of Pennsylvania. We had better finish the unanimous-consent arrangement. I do not believe many Senators knew that there was unanimous consent to consider these bills in the dark.

Mr. JONES. Mr. President, I would like to say that it was a part of the unanimous-consent agreement that bills that should be reported to-day might be considered. That was a part of the agreement.

Mr. KING. If we are to consider them, let us have each one read; and if there is a report let us have that read.

Mr. RANSDELL. Mr. President, I have a bill which I think comes under the unanimous-consent agreement. It was a bill to authorize the construction of a bridge across the Red River in Louisiana. A similar bill, House bill 16928, has passed the House of Representatives, and I want to have the House bill substituted for the Senate bill.

Mr. FESS. Mr. President, what became of my request for unanimous consent?

Mr. RANSDELL. Mr. President, I want the House bill substituted for the Senate bill.

The VICE PRESIDENT. Did the Senator from Ohio ask unanimous consent?

Mr. FESS. I have made a request for unanimous consent, and I ask the clerk to read the report of the committee.

Mr. ROBINSON of Arkansas. Mr. President, ample opportunity will be afforded to-morrow to proceed with the consideration of the bills which have not been disposed of to-day. I am not going to object to the request of the Senator from Louisiana, but we have been in session now eight hours, we were in session nearly all night; and this arrangement is a very bad one, as pointed out by the Senator from Pennsylvania [Mr. REED]. I am going to object to requests hereafter for consideration of bills that had not been made before I rose. I have stated that I would not object to the request of the Senator from Louisiana.

Mr. FESS. The Senator will not object to my request, will he?

Mr. SWANSON. Mr. President, I would like to have the unanimous-consent agreement read, to see if it is being carried out in good faith. I consented to the unanimous-consent request——

The VICE PRESIDENT. The Senate will be in order.

Mr. SWANSON. These bills have to be considered. I want to know whether this unanimous-consent agreement is being carried out in good faith or not.

Mr. KING. When the unanimous-consent agreement was entered into we supposed we would have the bills and reports before us. No one supposed we would proceed in the dark. I shall move to adjourn in a few moments if this is insisted on.

Mr. WALSH of Massachusetts. May I inquire how many reports there are to be passed upon?

The VICE PRESIDENT. The Chair is informed there are 30 or 40.

Mr. SWANSON. Let us have the unanimous-consent agreement read, and see what we agreed to. We will all carry out what we agreed to. I have never known a unanimous-consent agreement to be broken in the Senate in the years I have been here.

Mr. ROBINSON of Arkansas. When any bill is called, any Senator may demand that it be passed over.

Mr. SWANSON. That is right.

Mr. ROBINSON of Arkansas. It is no violation of the agreement. I give notice that I will object to the consideration of all bills, the reports on which are not available, with the understanding that they can easily be considered to-morrow. If the Senate wants to go ahead and have a number of bills called, it is at liberty to do so.

Mr. SWANSON. Mr. President, I ask that the unanimous-consent agreement be read.

Mr. ROBINSON of Arkansas. There is no occasion for reading it.

Mr. SWANSON. Let us see whether Senators are carrying it out in good faith when they say "I will object."

Mr. ROBINSON of Arkansas. The agreement was to consider unobjected bills.

Mr. SWANSON. I insist on it being read.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read the unanimous-consent agreement.

Mr. REED of Pennsylvania. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. WATSON. Oh, no. Mr. President——

Mr. SWANSON. I make a point of order——

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of executive business.

Mr. REED of Pennsylvania. I withdraw the motion.

Mr. WATSON. Mr. President, I move that the Senate proceed to the consideration of the bill to continue the power and authority of the Federal Radio Commission. I do that with the understanding that immediately after the adoption of the motion, if it shall be adopted, we shall proceed to the consideration of executive business, to consider unobjected nominations.

Mr. JONES. Mr. President, I have a conference report here that I want to have taken up. It has been understood all afternoon that it would be taken up.

Mr. WATSON. Of course, I did not know about that.

Mr. JONES. I have been in touch with the leader on this side all afternoon.

Mr. ROBINSON of Arkansas. What is the conference report?

Mr. WATSON. The Senator has no objection to the adoption of my motion, has he?

Mr. JONES. No.

Mr. WATSON. After the radio bill is made the unfinished business I will temporarily lay it aside.

FEDERAL RADIO COMMISSION

The VICE PRESIDENT. The Senator from Indiana moves that the Senate proceed to the consideration of Senate bill 4937, continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WATSON. Mr. President, I ask that the unfinished business, the radio bill, temporarily be laid aside.

IMMIGRATION

Mr. COPELAND. Mr. President, I present a report from the Committee on Immigration and ask that with it be printed the House report, and a letter from the Department of Labor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

LOAD LINES FOR AMERICAN VESSELS

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1781) to establish load lines for American vessels, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 46, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: Restore the word "foreign," and at the end of line 8, page 1, change the period to a comma and insert the words "the Great Lakes excepted," and on page 2, at the end of line 3, change the period to a comma and insert the words "the Great Lakes excepted"; and the House agree to the same.

Amendment numbered 45: That the Senate recede from its disagreement to the amendment of the House numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 9. The Secretary of Commerce is directed to make a comprehensive study of load line legislation in the coastwise and intercoastal trade and the Great Lakes, and all types of vessels, and shall submit his report to the Houses of Congress in the month of December, 1929, accompanying such report with tentative draft of a bill to effectuate the recommendations embodied in said report."

And the House agree to the same.

W. L. JONES,
CHAS. L. MCNARY,
JOS. E. RANSDELL,
*Managers on the part of the Senate.*

WALLACE H. WHITE, JR.,
FREDERICK R. LEHLBACH,
A. M. FREE,
EWIN L. DAVIS,
S. O. BLAND,
*Managers on the part of the House.*

Mr. ROBINSON of Arkansas. Is the report unanimous?

Mr. JONES. I move that the Senate proceed to the consideration of the report.

Mr. ROBINSON of Arkansas. Mr. President, I shall ask that the report go over under the rule if the Senator moves to proceed to the consideration of it now. Is the report unanimous?

Mr. JONES. I want to explain it. We first had a unanimous report, signed by all the conferees on the part of the House and all the conferees on the part of the Senate. The report went to the House, and a point of order was made against it on the ground that there was a provision in it for further investigation by the Secretary of Commerce. The bill went back to conference, and we agreed on the same thing we had agreed on before, except that we left out that provision.

Then all the conferees signed the report, both Democrats and Republicans. The Democratic members of the House conference committee said, "We do not care about signing the report," but

said they would make no opposition to it. It went back and was adopted by the House with very little trouble.

Mr. ROBINSON of Arkansas. The conference report has been adopted by the House?

Mr. JONES. Yes. I now move that the Senate proceed to the consideration of the conference report. That motion is not debatable.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Washington to proceed to the consideration of the conference report.

The motion was agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. JONES. Mr. President, let me make just a brief explanation. This is the load-line legislation. We passed the bill through the Senate at the last session and it has been over in the House ever since. The bill as it passed the Senate applied the load-line principle only to vessels in foreign trade. It was understood that under the language of the bill the Great Lakes were excepted. The bill went to the House as I have stated.

The bill as agreed to by the conferees is substantially the bill that passed the Senate with the express provision that the Great Lakes are excepted. That in brief is what the conference report is. The Senate bill has been practically agreed to in every respect. The House receded from their amendment applying the legislation to coastwise trade, so that the legislation does not apply in any way to coastwise trade. It simply applies to vessels engaged in foreign trade. The trade on the Great Lakes is expressly excepted, as the Senate committee believes it was excepted by the language of the bill.

Mr. COPELAND. I would like to ask, before we proceed with any discussion of the conference report, if there was some change made in the conference report to-day. Is the situation the same as it was when I discussed the matter yesterday with the Senator from Washington?

Mr. JONES. There has been no change to-day. On yesterday we had the new conference and we struck out all of section 9, which dealt with coastwise trade, and also the amendment cutting out the word "foreign" from the bill. The word "foreign" was restored in section 1 so as to make it clear that it applies only to foreign trade. Section 9 was all stricken out so that there was no application whatever to the coastwise trade.

Mr. COPELAND. Mr. President, I hope the Senator is right, but I have just looked over the report——

Mr. JONES. Mr. President, if the Senator will pardon me just a moment.

Mr. COPELAND. I yield.

Mr. JONES. Of course, I know we have been here all day and we were here nearly all night last night. If it is satisfactory to the Senator and if the Senate would prefer, I am perfectly willing to let the conference report go over until morning, with my motion pending.

Mr. COPELAND. There are certain serious objections to the bill which perhaps will be explained away by the Senator from Washington, but I would not be willing to let the conference report be adopted now without giving consideration to it.

Mr. JONES. The Senator possibly can examine it to-night. I ask that the conference report may go over, retaining its position, until the opening of the session to-morrow.

The VICE PRESIDENT. Without objection it is so ordered.

RED RIVER BRIDGE, MONTGOMERY, LA.

Mr. RANSDELL. Mr. President, I ask unanimous consent that a bill from the House (H. R. 16725) authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La., may be laid before the Senate.

There being no objection, the bill was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.*, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, L. L. Thompsen, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Red River, at a point suitable to the interests of navigation at or near Montgomery, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Louisiana, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation of expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Louisiana, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. L. L. Thompsen, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of Louisiana, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Louisiana shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said L. L. Thompsen, his heirs, legal representatives and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to L. L. Thompsen, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof; and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. RANSDELL. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill No. 5720, of the same title, will be indefinitely postponed.

MEMORIAL TO OSCAR S. STRAUS

Mr. FESS. Mr. President, from the Committee on the Library I report back favorably without amendment the joint resolution (H. J. Res. 377) authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

*Resolved, etc.*, That the Director of Public Buildings and Public Parks of the National Capital be, and he hereby is, authorized and directed to select a suitable site and to grant permission to any association or associations organized within two years from the date of the approval of this resolution for that purpose, to erect as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., a monument or memorial in memory of Oscar S. Straus: *Provided*, That the site chosen and the design of the monument or memorial shall be approved by the Commission of Fine Arts; that it shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital; and that the United States shall be put to no expense in or by the erection of said monument or memorial.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. HALE. Mr. President, when the calendar was called this afternoon the Senator from Utah [Mr. KING] objected to a bill——

Mr. NORRIS. Just a moment, Mr. President. I want to appeal to Senators not to try to bring up any other bills to-night. We are going to have an executive session, I understand; the Senator from Washington [Mr. JONES] has agreed to lay aside his conference report, and I must object to any other business being called up in this way to-night.

Mr. CURTIS. Mr. President, it is my desire to ask for an executive session and then to move that the Senate take a recess until 10 o'clock to-morrow morning and then, after the radio bill is before the Senate, I ask unanimous consent to complete the call of unobjected bills on the calendar beginning where we left off to-night.

Mr. HEFLIN. Mr. President, that is what I was just about to ask.

Mr. CURTIS. At the request of many Senators, I will change the hour of meeting until 11 o'clock to-morrow morning.

Mr. GEORGE. Mr. President, let me make an inquiry, because I did this yesterday and we seem to have gotten into a jam about it to-day. Will we be privileged to consider matters on which committees are ready to make reports?

Mr. CURTIS. Reports can be made, but if there are no reports several Senators say they will object to taking up bills. They do not care to consent to the consideration of bills where there is no report accompanying the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

TRANSFER OF FEDERAL LAND TO SAVANNAH, GA.

Mr. GEORGE. Mr. President, I ask unanimous consent that the chairman of the Committee on Public Buildings and Grounds [Mr. KEYES] be now permitted to submit a report to the Senate. I think I can explain in one minute what it is, and then I shall have no objection to the request of the Senator from Kansas.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KEYES. Mr. President, from the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (H. R. 17026) granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes, and I submit a report (No. 2037) thereon.

Mr. GEORGE. Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution. It simply authorizes the Treasury, in its discretion, to exchange not to exceed 22 feet of land for 65 feet of land in the city of Savannah. It is a necessary exchange for the public building authorized at Savannah.

Mr. NORRIS. Mr. President, I feel inclined to object. We can take all these matters up to-morrow. Every Senator in the Chamber is now on his feet evidently wanting something done, and I object to any further business of this kind to-night.

Mr. GEORGE. Very well.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, June 30, 1930, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, and Mr. BYRNS were appointed managers on the part of the House at the conference.

ADDITIONAL REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 5875) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., reported it with an amendment and submitted a report (No. 2027) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16982) authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala. (Rept. No. 2028);

A bill (H. R. 17007) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky. (Rept. No. 2029);

A bill (H. R. 17075) to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak. (Rept. No. 2030);

A bill (H. R. 17127) to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa (Rept. No. 2031);

A bill (H. R. 17140) to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio (Rept. No. 2032);

A bill (H. R. 17141) to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio (Rept. No. 2033); and

A bill (H. R. 17185) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill. (Rept. No. 2034).

Mr. JONES, from the Committee on Commerce, to which was referred the bill (H. R. 17060) to readjust the commissioned personnel of the Coast Guard, and for other purposes, reported it without amendment and submitted a report (No. 2036) thereon.

Mr. HARRIS, from the Committee on Immigration, to which was referred the bill (H. R. 16440) relating to declarations of intention in naturalization proceedings, reported it with an amendment and submitted a report (No. 2035) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 14089) for the relief of Dale S. Rice (Rept. No. 2038); and

A bill (H. R. 17101) to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes (Rept. No. 2039).

Mr. BLACK, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 6705) for the relief of Clotilda Freund (Rept. No. 2040);

A bill (H. R. 10321) for the relief of B. P. Stricklin (Rept. No. 2041); and

A bill (H. R. 14583) for the relief of A. Brizard (Inc.) (Rept. No. 2042).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2268) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold (Rept. No. 2043);

A bill (H. R. 6698) for the relief of William C. Schmitt (Rept. No. 2044);

A bill (H. R. 8691) for the relief of Helen Gray (Rept. No. 2045);

A bill (H. R. 9396) to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War (Rept. No. 2046);

A bill (H. R. 11339) for the relief of the estate of C. C. Spiller, deceased (Rept. No. 2047);

A bill (H. R. 12255) for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased (Rept. No. 2048);

A bill (H. R. 13734) for the relief of James McGourty (Rept. No. 2049);

A bill (H. R. 13801) for the relief of John Bowie (Rept. No. 2050);

A bill (H. R. 14022) for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service (Rept. No. 2051); and

A bill (H. R. 16535) authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America (Rept. No. 2052).

Mr. CARAWAY, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 16089) for the relief of Elizabeth Quinerly Cummings (Rept. No. 2053);

A bill (H. R. 16090) for the relief of Hugh Dortch (Rept. No. 2054); and

A bill (H. R. 16122) for the relief of E. Schaaf-Regelman (Rept. No. 2055).

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 10912) to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him (Rept. No. 2056); and

A bill (H. R. 16342) for the relief of Clyde H. Tavenner (Rept. No. 2057).

Mr. STEIWER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 7174) granting compensation to William T. Ring (Rept. No. 2058); and

A bill (H. R. 8401) for the relief of Jack Mattson (Rept. No. 2059).

Mr. WALSH of Massachusetts, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5995) for the relief of John F. O'Neil, reported it without amendment and submitted a report (No. 2060) thereon.

He also, from the Committee on Finance, to which was referred the bill (S. 5631) to amend the World War adjusted compensation act, as amended, reported it with amendments and submitted a report (No. 2061) thereon.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

## SUPPLEMENTARY EXTRADITION TREATY, ADDING INFRACTIONS OF LAWS CONCERNING POISONOUS SUBSTANCES TO OFFENSES COVERED IN EXTRADITION TREATY OF JANUARY 6, 1909

In executive session this day the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

*To the Senate:*

To the end that I may receive the advice and consent of the Senate to ratification, I submit herewith a supplementary extradition treaty between the United States and the Republic of France, signed at Paris on January 15, 1929, adding "Infractions of the laws concerning poisonous substances" to the list of crimes and offenses on account of which extradition may be granted under the convention concluded between the United States and France on January 6, 1909.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 11, 1929.*

To the PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a supplementary extradition treaty between the United States and the Republic of France, signed at Paris on January 15, 1929, adding "Infractions of the laws concerning poisonous substances," to the list of crimes and offenses on account of which extradition may be granted under the convention concluded between the United States and France on January 6, 1909.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
*Washington, February 9, 1929.*

The United States of America and the Republic of France being desirous of enlarging the list of crimes and offences on account of which extradition may be granted under the Convention concluded between the United States and France January 6, 1909, have resolved to conclude a supplementary Convention for this purpose and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America:

Mr. Norman Armour, Chargé d'Affaires ad interim of the United States of America at Paris, and

The President of the French Republic:

His Excellency M. Aristide Briand, Minister for Foreign Affairs; who have agreed to and concluded the following articles:—

ARTICLE I

To the list of crimes and offences numbered 1 to 15 in the second article of the said Convention of January 6, 1909, the following, contained in a paragraph 16, is added:

16. Infractions of the laws concerning poisonous substances.

ARTICLE II

The present Convention shall be considered as an integral part of the said extradition Convention of January 6, 1909, and the second article thereof shall be read as if the list of crimes and offences therein contained had originally comprised the additional infractions of the laws specified and numbered 16 in the first article of the present Convention.

The present Convention shall be ratified and the ratifications shall be exchanged at Paris as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties and it shall continue and terminate in the same manner as the said Convention of January 6, 1909.

In testimony whereof the respective plenipotentiaries have signed the present Convention in duplicate and have thereunto affixed their seals.

Done at Paris, this 15 day of January 1929.

NORMAN ARMOUR [SEAL]
A. BRIAND [SEAL]

## ARBITRATION WITH NORWAY

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

*To the Senate:*

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Norway, signed at Washington on February 20, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 25, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Norway, signed at Washington on February 20, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
*Washington, February 21, 1929.*

The President of the United States of America and His Majesty the King of Norway

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on April 4, 1908, which expired by limitation on June 24, 1928, and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Norway:

Mr. H. H. Bachke, His Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which if they have been referred to the Permanent International Commission constituted pursuant to the treaty signed at Washington June 24, 1914, have not been adjusted as a result of this procedure, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of the Kingdom of Norway in accordance with the constitutional laws of that Kingdom.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Norway in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the Kingdom of Norway in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Norwegian languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twentieth day of February in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
H. H. BACHKE [SEAL]

## LIQUOR TRAFFIC IN AFRICA

In executive session this day the following convention was ratified, and on motion of Mr. BORAH the injunction of secrecy was removed therefrom and from the resolution agreed to in connection therewith:

*To the Senate:*

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the convention relating to the liquor traffic in Africa, signed at St. Germain-en-Laye on September 10, 1919.

I further transmit for the information of the Senate a report from the Secretary of State recommending that this convention be ratified with a reservation in regard to arbitral procedure.

Article 8 provides for the submission of disputes arising with respect to the application of the convention to an arbitral tribunal in conformity with the provisions of the covenant of the League of Nations. The Secretary of State feels that this Government should not be bound by the procedure provided for in that article and suggests the adoption of a reservation to the effect that any disputes in which the United States may be concerned, relating to the application of the convention, shall be submitted by agreement with the other parties and in accordance with their constitutional procedure to a court of arbitration constituted in accordance with The Hague convention of October 18, 1907, or to some other court of arbitration.

I concur in the recommendation made by the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 22, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of the convention relating to the liquor traffic in Africa which was signed at St. Germain-en-Laye on September 10, 1919, on behalf of the United States, Belgium, the British Empire, France, Italy, Japan, and Portugal. This convention has been ratified by all the signatory powers with the exception of the United States and Italy.

The purpose of the convention is to continue the struggle against the dangers of alcoholism to African natives through the prohibition of the importation of trade spirits and of beverages injurious to health into the territories in Africa under the control of the contracting parties, excepting Algiers, Tunis, Morocco, Libya, Egypt, and the Union of South Africa and into islands lying within 100 nautical miles of the coast; by the imposition of heavy duties on the importation of other distilled beverages into those territories; and by the prohibition of the manufacture of distilled beverages in the same regions and of the importation and possession of distilling apparatus. Certain exceptions are made in regard to pharmaceutical alcohols required for medical, surgical, or pharmaceutical establishments and for distilling apparatus for similar uses.

Article 7 of the convention provides for the establishment of a central international office placed under the control of the League of Nations, for the purpose of collecting and preserving documents exchanged by the contracting parties, pertaining to the application of certain provisions of the convention. This article also requires that each of the contracting parties shall publish an annual report showing the quantities of spirituous beverages imported or manufactured in the territories concerned and the duties levied and that a copy of this report shall be sent to the central international office and to the secretary general of the League of Nations. The provisions of article 7 obviously would have no application to the United States.

Article 8 provides that in the event of any dispute arising between parties to the convention relating to the application of the convention which can not be settled by negotiation, the dispute shall be submitted to an arbitral tribunal in conformity with the covenant of the League of Nations. As this country is not a member of the League of Nations, it is suggested that in giving its advice and consent to ratification the Senate may desire to make a reservation providing for arbitral reference to some other tribunal.

The United States is a party to the convention for the regulation of the importation of spirituous liquors into certain regions of Africa, signed at Brussels on June 8, 1899, and to the convention signed at Brussels on November 3, 1906, revising the duties imposed by the Brussels convention of June 8, 1899. Chapter VI of the act of Brussels of July 2, 1890, for the repression of the African slave trade, to which the United States is also a party, provides for the restriction of traffic in spirituous liquors.

The first paragraph of article 11 of the convention relating to the liquor traffic in Africa, signed at St. Germain-en-Laye on September 10, 1919, which is the subject of the present report, abrogates the provisions of former general international conventions relating to the matters dealt with in the present convention in so far as they are binding between the powers which are parties to the present convention. Such provisions of those international acts are therefore no longer in force between Belgium, the British Empire, France, Japan, and Portugal, although they are still in force as respects the United States.

While the present convention would in its application impose definite obligations only upon States having colonial possessions in Africa, it is in harmony with the attitude of the United States with respect to the liquor traffic in Africa as expressed in the earlier conventions. It is believed that this Government should continue to give its moral support to efforts to safeguard

the natives of Africa from the dangers of uncontrolled liquor traffic. By ratification of the present convention it would place its relationship to those matters on the basis now subsisting between Belgium, the British Empire, France, Japan, and Portugal in place of the provisions of the older acts which have been so largely abandoned. It is recommended, therefore, that the Senate be requested to give its advice and consent to ratification of the convention, subject to a reservation in respect of the arbitration of disputes.

Accordingly, it is recommended that, if this course meets with your approval, the Senate be requested to take suitable action advising and consenting to ratification of the convention of 1919 relating to the liquor traffic in Africa subject to a reservation that the United States reserves the right to submit any dispute in which it may be concerned, relating to the application of the convention, by agreement with the other parties and in accordance with the constitutional procedure of each State to a court of arbitration constituted in accordance with The Hague Convention of October 18, 1907, or to some other court of arbitration.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
*Washington, May 22, 1928.*

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CONVENTION RELATING TO THE LIQUOR TRAFFIC IN AFRICA.

[Translation]

The United States of America, Belgium, the British Empire, France, Italy, Japan and Portugal;

Whereas it is necessary to continue in the African territories placed under their administration the struggle against the dangers of alcoholism which they have maintained by subjecting spirits to constantly increasing duties;

Whereas, further, it is necessary to prohibit the importation of distilled beverages rendered more especially dangerous to the native populations by the nature of the products entering into their composition or by the opportunities which a low price gives for their extended use;

Whereas, finally, the restrictions placed on the importation of spirits would be of no effect unless the local manufacture of distilled beverages was at the same time strictly controlled;

Have appointed as their plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

The Honorable Frank Lyon Polk, Under-Secretary of State;
The Honorable Henry White, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;
General Tasker H. Bliss, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE BELGIANS:

Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State;
Mr. Jules van den Heuvel, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians, Minister of State;
Mr. Emile Vandervelde, Minister of Justice, Minister of State;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

The Right Honorable Arthur James Balfour, O. M., M. P., His Secretary of State for Foreign Affairs;
The Right Honorable Andrew Bonar Law, M. P., His Lord Privy Seal;
The Right Honorable Viscount Milner, G. C. B., G. C. M. G., His Secretary of State for the Colonies;
The Right Honorable George Nicoll Barnes, M. P., Minister without portfolio;
and:
For the Dominion of Canada:
The Honorable Sir Albert Edward Kemp, K. C. M. G., Minister of the Overseas Forces;
For the Commonwealth of Australia:
The Honorable George Foster Pearce, Minister of Defence;
For the Union of South Africa:
The Right Honorable Viscount Milner, G. C. B., G. C. M. G.;
For the Dominion of New Zealand:
The Honorable Sir Thomas Mackenzie, K. C. M. G., High Commissioner for New Zealand in the United Kingdom;
For India:
The Right Honorable Baron Sinha, K. C., Under-Secretary of State for India;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Georges Clemenceau, President of the Council, Minister of War;
Mr. Stephen Pichon, Minister for Foreign Affairs;
Mr. Louis-Lucien Klotz, Minister of Finance;
Mr. André Tardieu, Commissary-General for Franco-American Military Affairs;
Mr. Jules Cambon, Ambassador of France;

HIS MAJESTY THE KING OF ITALY:

The Honorable Tommaso Tittoni, Senator of the Kingdom, Minister for Foreign Affairs;
The Honorable Vittorio Scialoja, Senator of the Kingdom;
The Honorable Maggiorino Ferraris, Senator of the Kingdom;
The Honorable Guglielmo Marconi, Senator of the Kingdom;
The Honorable Silvio Crespi, Deputy;

HIS MAJESTY THE EMPEROR OF JAPAN:

Viscount Chinda, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at London;
Mr. K. Matsui, Ambassador Extraordinary and Plenipotentiary of H. M. The Emperor of Japan at Paris;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC:

Dr. Affonso da Costa, formerly President of the Council of Ministers;
Dr. Augusto Luiz Vieira Soares, formerly Minister for Foreign Affairs;

Who, having communicated their full powers found in good and due form,

Have agreed as follows:

ARTICLE 1

The High Contracting Parties undertake to apply the following measures for the restriction of the liquor traffic in the territories which are or may be subjected to their control throughout the whole of the continent of Africa, with the exception of Algiers, Tunis, Morocco, Libya, Egypt, and the Union of South Africa.

The provisions applicable to the continent of Africa shall also apply to the islands lying within 100 nautical miles of the coast.

ARTICLE 2

The importation, distribution, sale and possession of trade spirits of every kind, and of beverages mixed with these spirits, are prohibited in the area referred to in Article 1. The local Governments concerned will decide respectively which distilled beverages will be regarded in their territories as falling within the category of trade spirits. They will endeavor to establish a nomenclature and measures against fraud as uniform as possible.

ARTICLE 3

The importation, distribution, sale and possession are also forbidden of distilled beverages containing essential oils or chemical products which are recognised as injurious to health, such as thuyone, star anise, benzoic aldehyde, salicylic ethers, hyssop and absinthe.

The local Governments concerned will likewise endeavor to establish by common agreement the nomenclature of those beverages whose importation, distribution, sale and possession according to the terms of this provision should be prohibited.

ARTICLE 4

An import duty of not less than 800 francs per hectolitre of pure alcohol shall be levied upon all distilled beverages, other than those indicated in Articles 2 and 3, which are imported into the area referred to in Article 1, except in so far as the Italian colonies are concerned, where the duty may not be less than 600 francs.

The High Contracting Parties will prohibit the importation, distribution, sale and possession of spirituous liquors in those regions of the area referred to in Article 1 where their use has not been developed.

The above prohibition can be suspended only in the case of limited quantities destined for the consumption of non-native persons, and imported under the system and conditions determined by each Government.

ARTICLE 5

The manufacture of distilled beverages of every kind is forbidden in the area referred to in Article 1.

The importation, distribution, sale and possession of stills and of all apparatus or portions of apparatus suitable for distillation of alcohol and the redistillation of brandies and spirits are forbidden in the same area, subject to the provisions of Article 6.

The provisions of the two preceding paragraphs do not apply to the Italian colonies; the manufacture of distilled beverages,

other than those specified in Articles 2 and 3, will continue to be permitted therein, on condition that they are subject to an excise duty equal to the import duty established in Article 4.

ARTICLE 6

The restrictions on the importation, distribution, sale, possession and manufacture of spirituous beverages do not apply to pharmaceutical alcohols intended for medical, surgical or pharmaceutical establishments. The importation, distribution, sale and possession are also permitted of:

(1) Testing stills, that is to say, the small apparatus in general use for laboratory experiments, which are employed intermittently, are not fitted with rectifying heads, and the capacity of whose retort does not exceed one litre;

(2) Apparatus or parts of apparatus intended for experiments in scientific institutions;

(3) Apparatus or parts of apparatus employed for definite purposes, other than the production of alcohol, by pharmacists holding a diploma, and by persons who can show good cause for the possession of such apparatus;

(4) Apparatus necessary for the manufacture of alcohol for industrial purposes, and employed by duly authorized persons, such manufacture being subject to the supervision established by the local administration.

The necessary permission in the foregoing cases will be granted by the local administration of the territory in which the stills, apparatus, or portions of apparatus are to be utilized.

ARTICLE 7

A Central International Office; placed under the control of the League of Nations, shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the importation and manufacture of spirituous liquors under the conditions referred to in the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the quantities of spirituous beverages imported or manufactured and the duties levied under Articles 4 and 5. A copy of this report shall be sent to the Central International Office and to the Secretary-General of the League of Nations.

ARTICLE 8

The High Contracting Parties agree that if any dispute whatever should arise between them relating to the application of the present Convention which cannot be settled by negotiation, this dispute shall be submitted to an arbitral tribunal in conformity with the Covenant of the League of Nations.

ARTICLE 9

The High Contracting Parties reserve the right of introducing into the present Convention by common agreement after a period of five years such modifications as may prove to be necessary.

ARTICLE 10

The High Contracting Parties will use every effort to obtain the adhesion to the present Convention of the other States exercising authority over territories of the African Continent.

This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by it to all the signatory or adhering States. The adhesion will come into effect from the date of the notification to the French Government.

ARTICLE 11

All the provisions of former general international Conventions relating to the matters dealt with in the present Convention shall be considered as abrogated in so far as they are binding between the Powers which are parties to the present Convention.

The present Convention shall be ratified as soon as possible.

Each Power will address its ratification to the French Government, which will inform all the other signatory Powers.

The ratifications will remain deposited in the archives of the French Government.

The present Convention will come into force for each signatory Power from the date of the deposit of its ratification, and from that moment that Power will be bound in respect of other Powers which have already deposited their ratifications.

On the coming into force of the present Convention, the French Government will transmit a certified copy to the Powers which under the Treaties of Peace have undertaken to accept and observe it, and are in consequence placed in the same position as the Contracting Parties. The names of these Powers will be notified to the States which adhere.

In faith whereof, the above-named Plenipotentiaries have signed the present Convention.

Done at Saint-Germain-en-Laye, the tenth day of September, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the Government of the French Republic, and of which authenticated copies will be sent to each of the signatory Powers.

[L. S.] FRANK L. POLK.
[L. S.] HENRY WHITE.
[L. S.] TASKER H. BLISS.
[L. S.] HYMANS.
[L. S.] VAN DEN HEUVEL.
[L. S.] E. VANDERVELDE.
[L. S.] ARTHUR JAMES BALFOUR.
[L. S.] MILNER.
[L. S.] GEO. N. BARNES.
[L. S.] A. E. KEMP.
[L. S.] G. F. PEARCE.
[L. S.] MILNER.
[L. S.] THOS. MACKENZIE.
[L. S.] SINHA OF RAIPUR.
[L. S.] G. CLEMENCEAU.
[L. S.] S. PICHON.
[L. S.] L. L. KLOTZ.
[L. S.] ANDRÈ TARDIEU.
[L. S.] JULES CAMBON.
[L. S.] TOM. TITTONI.
[L. S.] VITTORIO SCIALOJA.
[L. S.] MAGGIORINO FERRARIS.
[L. S.] GUGLIELMO MARCONI.
[L. S.] S. CHINDA.
[L. S.] K. MATSUI.
[L. S.] AFFONSO COSTA.
[L. S.] AUGUSTO SOARES.

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Executive P, Seventieth Congress, first session, a convention relative to the liquor traffic in Africa, signed at St. Germain-en-Laye, on September 10, 1919, subject to the following reservation:

Should any dispute whatever arise between any of the high contracting parties and the United States relative to the application of the present convention which can not be settled by negotiation, such dispute shall be submitted to the Permanent Court of Arbitration at The Hague, established by the convention of October 18, 1907, or in such other arbitral tribunal upon which the parties to the dispute may agree.

RECESS

Mr. CURTIS. I move that the Senate take a recess, the recess being under the previous order, until 11 o'clock to-morrow morning.

The motion was agreed to; and the Senate (at 7 o'clock and 30 minutes p. m.), under the order previously entered, took a recess until to-morrow, Friday, March 1, 1929, at 11 o'clock a. m.

## NOMINATIONS

*Executive nomination received by the Senate February 28 (legislative day of February 25), 1929*

UNITED STATES DISTRICT JUDGES

John M. Woolsey, of New York, to be United States district judge, southern district of New York. (Additional position.)

Alfred A. Wheat, of New York, to be United States district judge, eastern district of New York. (Additional position.)

UNITED STATES ATTORNEY

George R. Jeffrey, of Indiana, to be United States attorney, southern district of Indiana, vice Albert Ward, term expired.

UNITED STATES MARSHAL

John H. Vickery, of Oklahoma, to be United States marshal, northern district of Oklahoma, vice Samuel G. Victor, appointed by court.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

*To Finance Department*

Maj. Lee Roland Watrous, jr., Coast Artillery Corps, effective July 10, 1929, with rank from July 1, 1920.

PROMOTIONS IN THE ARMY

*To be colonel*

Lieut. Col. Frank Porter Amos, Cavalry, from February 27, 1929.

*To be lieutenant colonel*

Maj. Jarvis Johnson Bain, Corps of Engineers, from February 27, 1929.

*To be major*

Capt. Oliver Arlington Hess, Infantry, from February 27, 1929.

*To be captains*

First Lieut. Adolphus Bernard Pence, Infantry, from January 23, 1929.

First Lieut. William Lincoln Hamilton, Cavalry, from January 24, 1929.

First Lieut. Walter Leui Kluss, Field Artillery, from February 1, 1929.

First Lieut. Ralph Brittin Watkins, Infantry, from February 1, 1929.

First Lieut. Eugene Lawrence Brine, Infantry, from February 1, 1929.

First Lieut. John Edward Adamson, Quartermaster Corps, from February 2, 1929.

First Lieut. Dennis Patrick Murphy, Infantry, from February 8, 1929.

First Lieut. Chauncey Alfred Gillette, Coast Artillery Corps, from February 11, 1929.

First Lieut. Frank Denis Hackett, Air Corps, from February 11, 1929.

First Lieut. Melvin Ray Finney, Infantry, from February 19, 1929.

First Lieut. Frank Fremont Fulton, Finance Department, from February 26, 1929.

First Lieut. Alfred Percy Kitson, Field Artillery, from February 27, 1929.

First Lieut. Preston Ballard Waterbury, Infantry, from February 27, 1929.

First Lieut. Verne Clair Snell, Coast Artillery Corps, from February 27, 1929.

*To be first lieutenants*

Second Lieut. Heyward Bradford Roberts, Infantry, from January 23, 1929.

Second Lieut. Charles George Meehan, Cavalry, from January 24, 1929.

Second Lieut. Victor Allen Conrad, Signal Corps, from January 27, 1929.

Second Lieut. Robin Bernard Pape, Coast Artillery Corps, from February 1, 1929.

Second Lieut. John Franklin Williams, Field Artillery, from February 1, 1929.

Second Lieut. Harry Jordan Theis, Cavalry, from February 1, 1929.

Second Lieut. Amel Thomas Leonard, Field Artillery, from February 1, 1929.

Second Lieut. Clyde Massey, Cavalry, from February 2, 1929.

Second Lieut. Bruce Woodward Bidwell, Infantry, from February 8, 1929.

Second Lieut. Elmer Ernest Count, jr., Coast Artillery Corps, subject to examination required by law, from February 11, 1929.

Second Lieut. Robert Ward Berry, Coast Artillery Corps, from February 11, 1929.

Second Lieut. Harry Van Wyk, Field Artillery, from February 19, 1929.

Second Lieut. Glenn Bruce McConnell, Field Artillery, February 26, 1929.

Second Lieut. Harold Peabody Tasker, Coast Artillery Corps, from February 27, 1929.

Second Lieut. William Howard Arnold, Infantry, from February 27, 1929.

Second Lieut. Robert Lyle Brookings, Air Corps, from February 27, 1929.

MEDICAL ADMINISTRATIVE CORPS

*To be captain*

First Lieut. James Ault Ramsey, Medical Administrative Corps, from February 22, 1929.

CHAPLAIN

*To be chaplain with the rank of major*

Chaplain Clifford Lore Miller, from February 23, 1929.

PROMOTIONS IN THE NAVY

The following-named paymasters to be pay inspectors in the Navy, with the rank of commander, from the 21st day of January, 1929:

Arthur H. Mayo.

Frederick C. Bowerfind.

POSTMASTERS

GEORGIA

Cleone M. Fincher to be postmaster at Culloden, Ga., in place of C. M. Fincher. Incumbent's commission expired January 12, 1929.

Mattie M. Lewis to be postmaster at Fayetteville, Ga., in place of M. M. Lewis. Incumbent's commission expired February 7, 1929.

ILLINOIS

Alvin C. Beigel to be postmaster at Mount Prospect, Ill., in place of William Busse, jr., resigned.

IOWA

Hugh S. Pierce to be postmaster at Hopkinton, Iowa, in place of N. B. Mullan, deceased.

Harold B. Plumb to be postmaster at Waterloo, Iowa, in place of R. C. Eggert, resigned.

MAINE

George O. M. Oberg to be postmaster at Bridgton, Me., in place of P. J. Murphy, deceased.

MASSACHUSETTS

LeRoy H. Fuller to be postmaster at Allerton, Mass., in place of M. A. Alves, resigned.

MICHIGAN

Winnie M. Sinclair to be postmaster at Ada, Mich., in place of Frankie Harris, deceased.

Charles A. Turner to be postmaster at Copemish, Mich., in place of Charles Plowman. Incumbent's commission expired December 12, 1928.

MINNESOTA

Madison H. Gregg to be postmaster at Dexter, Minn., in place of L. E. Williams, removed.

MINNESOTA

Frank Schweiger to be postmaster at Ely, Minn., in place of Frank Schweiger. Incumbent's commission expires March 3, 1929.

Maurice Holden to be postmaster at Garvin, Minn., in place of L. A. Persons, deceased.

MISSISSIPPI

Bettie D. Robertson to be postmaster at Collins, Miss., in place of B. D. Robertson. Incumbent's commission expired February 17, 1929.

MONTANA

Joseph F. Dolin to be postmaster at Medicine Lake, Mont., in place of M. A. Dolin. Incumbent's commission expired December 19, 1928.

NEBRASKA

Orma Borden to be postmaster at Mascot, Nebr., in place of L. L. Swindell, removed.

Irene Hines to be postmaster at St. Columbans, Nebr., in place of Margaret Bolan, resigned.

Lillian A. Elliott to be postmaster at Westpoint, Nebr., in place of L. A. Elliott. Incumbent's commission expired December 11, 1928.

NEW YORK

Henry C. Truex to be postmaster at Bayport, N. Y., in place of E. J. Woods, deceased.

OHIO

Ralph R. Jackson to be postmaster at Piedmont, Ohio, in place of S. C. Compher, resigned.

PENNSYLVANIA

Benjamin F. Parry to be postmaster at Farrell, Pa., in place of W. W. Scowden, deceased.

WEST VIRGINIA

William O. Crawford to be postmaster at Cabincreek, W. Va., in place of C. B. Crawford, resigned.

Monroe Burns to be postmaster at Cairo, W. Va., in place of E. I. Hatfield. Incumbent's commission expired December 18, 1927.

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## CONFIRMATIONS

*Executive nominations confirmed by the Senate February 28 (legislative day of February 25), 1929*

UNITED STATES ATTORNEYS

William L. Vandeventer to be United States attorney, western district of Missouri.

Richard H. Templeton to be United States attorney, western district of New York.

Haveth E. Mau to be United States attorney, southern district of Ohio.

UNITED STATES MARSHAL

Millard M. Owens to be United States marshal, northern district of Florida.

COAST AND GEODETIC SURVEY

Clarence Allan George to be aide (with relative rank of ensign in the Navy).

George Marion Marchand to be aide (with relative rank of ensign in the Navy).

COAST GUARD

*To be chief boatswains (L.)*

Alfred Rimer.
Berger Benson.
Martinus P. Jensen.
Frank E. Allison.
Sigval B. Johnson.
John E. Tourgee.
Lloyd T. Doughty.
Edward Shambeau.
Ward W. Bennett.
Irwin B. Steele.
Leslie Moore.
Robert W. Hodge.
Mitchell Hamilton.
Stephen F. McInnis.
William J. McGaw.

APPOINTMENT, BY TRANSFER, IN THE ARMY

*To Finance Department*

Maj. Lee Roland Watrous, jr., Coast Artillery Corps, effective July 10, 1929.

PROMOTIONS IN THE REGULAR ARMY

*To be colonel*

Frank Porter Amos, Cavalry.

*To be lieutenant colonel*

Jarvis Johnson Bain, Corps of Engineers.

*To be major*

Oliver Arlington Hess, Infantry.

*To be captains*

Adolphus Bernard Pence, Infantry.
William Lincoln Hamilton, Cavalry.
Walter Leui Kluss, Field Artillery.
Ralph Brittin Watkins, Infantry.
Eugene Lawrence Brine, Infantry.
John Edward Adamson, Quartermaster Corps.
Dennis Patrick Murphy, Infantry.
Chauncey Alfred Gillette, Coast Artillery Corps.
Frank Denis Hackett, Air Corps.
Melvin Ray Finney, Infantry.
Frank Fremont Fulton, Finance Department.
Alfred Percy Kitson, Field Artillery.
Preston Ballard Waterbury, Infantry.
Verne Clair Snell, Coast Artillery Corps.

*To be first lieutenants*

Heyward Bradford Roberts, Infantry.
Charles George Meehan, Cavalry.
Victor Allen Conrad, Signal Corps.
Robin Bernard Pape, Coast Artillery Corps.
John Franklin Williams, Field Artillery.
Harry Jordan Theis, Cavalry.
Amel Thomas Leonard, Field Artillery.
Clyde Massey, Cavalry.
Bruce Woodward Bidwell, Infantry.
Elmer Ernest Count, jr., Coast Artillery Corps.
Robert Ward Berry, Coast Artillery Corps.
Harry Van Wyk, Field Artillery.
Glenn Bruce McConnell, Field Artillery.
Harold Peabody Tasker, Coast Artillery Corps.
William Howard Arnold, Infantry.
Robert Lyle Brookings, Air Corps.

MEDICAL ADMINISTRATIVE CORPS

*To be captain*

First Lieut. James Ault Ramsey, Medical Administrative Corps.

CHAPLAIN

*To be chaplain with the rank of major*

Chaplain Clifford Lore Miller.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

*To be lieutenants*

Arthur A. Clarkson.
Frank R. Walker.
John G. Brown to be lieutenant (junior grade).

*To be dental surgeons*

William L. Darnall.
Logan A. Willard.
John R. Barber.
George H. Reed.
Franklin L. Morey.
John V. McAlpin.
Edward E. Harris.

*To be naval constructor*

Noah W. Gokey.

*To be commanders*

Charles M. Elder.
Rush S. Fay.
Charles M. Cooke, jr.

*To be lieutenant commander*

Robert L. Porter, jr.

*To be lieutenant*

Roy R. Darron.

*To be lieutenant (junior grade)*

Isaac S. K. Reeves, jr.

IN THE MARINE CORPS

*To be captains*

Sherman L. Zea.
Frank B. Geottge.

*To be first lieutenants*

Caleb T. Bailey.
Clarence J. Chappell, jr.

*To be second lieutenant*

Louis M. Heinrichs.

POSTMASTERS

ALABAMA

John W. Johnson, Langdale.
John T. Haertel, Citronelle.
James McDonald, Winfield.

ALASKA

George Warner, Valdez.

ARIZONA

Lena E. Hempstead, Bowie.

CALIFORNIA

Nellys R. Squier, Butte City.
Pliny M. Arnold, Carlsbad.
John A. Thompson, Cloverdale.
Robert C. Ross, Cotati.
Denver C. Jamerson, Cottonwood.
Claude C. Hayes, Salida.
Virgil W. Norton, Sutter Creek.
John J. West, Willows.
Grove K. Ketchum, Burbank.
Walter W. Middleton, Costa Mesa.
Charles H. Quantock, Loma Linda.
John A. Scott, Porterville.
Clayton C. Troxel, Riverside.
Wallace P. Rouse, Thermal.

DELAWARE

Jay C. Davis, Middletown.

GEORGIA

George M. Greely, Decatur.
William A. Adams, Fitzgerald.
Nellie B. Brimberry, Albany.
Lonnie E. Sweat, Blackshear.
Henry F. Bullard, Cochran.
Cleone M. Fincher, Culloden.
John L. Dorris, Douglasville.
Mattie M. Lewis, Fayetteville.
Rosa L. Lindsey, Irwinton.
Lansing B. LeRoy, Tignall.

IDAHO

Haly C. Kunter, Ririe.

ILLINOIS

Fred H. Kientz, Alhambra.
Charles Voorhees, Bradley.
William A. Lafont, Dowell.
Richard C. Hills, Franklin.
Frank M. Allen, Hillview.
Robert F. Sexton, Kansas.
George F. Harnew, Oaklawn.
Earl L. Longfellow, Rock Falls.
Harold R. Kerchner, Walnut.
Arden S. Coryell, West Union.
Alvin C. Beigel, Mount Prospect.

INDIANA

Edna S. Beeson, Galveston.
Jacob W. Hunsberger, Wakarusa.
William Endicott, Crawfordsville.
William A. Lewis, Elwood.

IOWA

Arthur M. Burnside, Boone.
Marie Jones, Bussey.
Frank S. Smith, Carson.
Millie Hoffman, Central City.
Samuel A. McCreery, Clarion.
Clara Bentzinger, Donnellson.
Orwin W. Masching, Exira.
Martin T. Jensen, Grandmound.
John R. Irwin, Keokuk.

Ray Robertson, Maxwell.
Arthur M. Michaelson, Roland.
Boyd B. Wade, Woodward.
John M. Wright, Eldon.
Edgar M. Rhodabeck, Missouri Valley.
Clarence B. Moser, Strawberry Point.

KANSAS

Orange J. Mark, Coldwater.
Elza W. Reel, Fort Leavenworth.
Lon L. Robinson, La Crosse.
John A. Porter, Mount Hope.
Karl S. Dale, Protection.
Nora E. Stiers, Uniontown.

KENTUCKY

Rebecca Green, Barbourville.
Richard C. Duvall, Lebanon Junction.
Mary H. Buckler, Loretto.
Clarence Mathews, Maysville.
William G. Morgan, Stanford.
Homer Murray, Woodburn.
Hallie M. Duncan, Horse Branch.
Rachel F. Adams, Whitesburg.
Jackson P. Crain, Jackson.

LOUISIANA

Edith E. Steckler, Jeanerette.

MAINE

George O. M. Oberg, Bridgton.

MARYLAND

Carolyn M. Stuart, Brentwood.
Harvey N. Burgoon, Manchester.
Shadrach G. Sparks, Sparks.

MICHIGAN

Harold D. Cole, Holly.
Walter C. Oesterle, Webberville.
Charles R. Foote, Alto.
Winnie M. Sinclair, Ada.
Charles A. Turner, Copemish.

MINNESOTA

Rollo F. Dean, Blue Earth.
Aaron T. Arneson, Carver.
Oscar E. Linquist, Dassel.
Elizabeth Richardson, Delano.
Wilbert D. Hanson, Grove City.
Arthur McBride, Walker.

MISSISSIPPI

Lillie B. Carr, Sumner.
Will N. Guyton, Blue Mountain.
Bettie D. Robertson, Collins.
Walter W. Holmes, McComb.
Johnnie L. Posey, Philadelphia.

MISSOURI

Clifford R. Hayes, Salem.
Ernest Young, Verona.

MONTANA

Bruce R. McNamer, Shelby.

NEBRASKA

William E. Bales, Hershey.
Henry J. Newsom, North Bend.
Herman G. Tunberg, Verdel.
Orma Borden, Mascot.
Irene Hines, St. Columbans.
Lillian A. Elliott, West Point.

NEVADA

Robert B. Griffith, Las Vegas.

NEW HAMPSHIRE

Silas C. Newell, Newport.
Ralph E. Berry, Rye Beach.
Ernest D. Royce, Somersworth.

NEW JERSEY

Frank W. Cassedy, Cape May.
Alice M. Harkness, Marlton.
Joseph Kish, Nixon.
Florence L. Newman, Seagirt.
William B. Brown, Beachwood.
William J. Hart, Fort Lee.
Charles A. Britton, Frenchtown.
Gustav L. Meyn, Palisade.

NEW YORK

Carl H. Hamlin, Brushton.
Byron W. Cornwell, Clark Mills.
Ernest E. Fuller, Copake.
Wendell C. Wilber, Delanson.
Victor Demars, Faust.
Morgan C. Harris, Newport.
James P. Walker, Port Jefferson Station.
Agnes Siems, Wantagh.
Harry S. Bowers, Wayland.
Henry C. Truex, Bayport.
Mary A. Murphy, Forestport.

NORTH CAROLINA

Van D. Duncan, Clayton.
Ike R. Forbes, Cramerton.
Sidney A. Padgett, Ellenboro.
Robert E. Hodgin, Guilford College.
Jesse L. Riggs, Bayboro.
James P. Turnley, Cameron.
Malcolm J. Thornton, Clinton.
Robert K. Hallifield, Forest City.
David J. Lewis, Rocky Point.

NORTH DAKOTA

Roy Wigness, Fortuna.
Hugh Roan, Portal.
Jacob G. Sigurdson, Upham.
Leland Q. Perkins, Wilton.
John W. Ackerman, Wishek.
Johanes Folstad, Goldenvalley.

OHIO

Hattie L. Davison, Magnolia.

OKLAHOMA

Ada Vanscoy, Dill.
William H. McBrayer, Haworth.
Frederick W. Galer, Nowata.
Henry C. Griswold, Wetumka.

OREGON

Byron A. Bennett, Crane.
Elizabeth M. Ward, Philomath.

PENNSYLVANIA

William C. Bubb, Dalmatia.
Eliza J. Willhide, East McKeesport.
Hobart M. Lord, Hastings.
Sharp A. Caylor, Punxsutawney.
Reese Jeremiah, Shamokin.
Malcolm H. Shick, Sheffield.
William G. Hall, Avella.
Horace G. Likeley, Carbondale.
Howard D. Rushong, Collegeville.
Edward Hoffner, Edge Hill.
Chester P. McCoy, Elmora.
James G. Galbreath, jr., Glassmere.
Levi Conner, Glen Campbell.
John W. Kuhn, Green Lane.
William Millen, Lansford.
Mary F. Carey, Mahanoy Plane.
V. Ralph Miller, New Oxford.
Theodore E. Lerch, Palmyra.
C. Maurice Hershey, Paradise.
Charles S. Mayhugh, South Mountain.
Hulett M. Turner, Towanda.
Charles B. Lessig, Upper Darby.

RHODE ISLAND

James T. Caswell, Narragansett.

SOUTH CAROLINA

Thomas B. Madden, Columbia.
Marion B. Welch, Hardeeville.
A. MacLean Fletcher, McColl.
William B. Wright, jr., Shelton.
Edwin M. Watson, Trenton.

SOUTH DAKOTA

Charley L. Corrington, Kadoka.
Louis W. Carter, Highmore.
Levi J. Thomas, Ipswich.

TENNESSEE

Marguerite A. Coleman, Smyrna.
Dana H. Wolfe, Sneedville.
Edward V. Sheely, Memphis.
Haggai M. Miller, Mountain City.
Minna M. Carson, Old Hickory.

TEXAS

Alfred J. Atkins, Eldorado.
Mary P. Vernon, Hermleigh.
William W. McChristian, Alba.
John W. Fagg, Blue Ridge.
Lawrence D. Karger, Cat Spring.
John A. Noland, Crawford.
Tenos W. Elkins, Freeport.
Joseph R. Gilliland, Paradise.
Fannie Fuqua, Shiro.
Robert W. Scurlock, Tenaha.

UTAH

Horace E. Day, Fillmore.

VERMONT

Glenn E. Martin, South Shaftsbury.
John Noble, Bethel.
Dennis A. Brahana, Irasburg.
Grace B. Adams, Wells River.

VIRGINIA

Joseph W. Harvey, Montross.

WASHINGTON

Herbert A. Miller, Stevenson.

WEST VIRGINIA

William O. Crawford, Cabincreek.
Monroe Burns, Cairo.
Etta Halstead, Dorothy.

WISCONSIN

Edward C. Schwartz, Blackwell.
Thomas D. Smith, Fairchild.
Samuel P. Van Dyke, Kilbourn.
Robert W. Brown, Lakemills.
Hugh S. Caldwell, Lodi.
John J. Kocian, Milladore.
Arthur E. Schmidt, Pittsville.
Edward B. Shanks, Portage.
Herbert Hopkins, Randolph.
Arthur V. DeWitt, Sayner.
Arthur Heins, Tigerton.
Lorenzo F. Rosenthal, Beloit.
Rufus A. Jones, Black River Falls.
Edwin T. Mattison, Blair.
Fred Hennig, Bowler.
Albert L. Jochem, Cedarburg.
Edward Porter, Cornell.
William S. Cochrane, Delavan.
J. Charles Pile, Dodgeville.
Frank L. Rolson, Ellsworth.
Vilas A. Kellman, Galesville.
John I. Edwards, Hazel Green.
Albert H. Fries, Lone Rock.
Frances W. Kulwiec, Lublin.
Ellsworth N. Harris, Mineral Point.
John J. Burkhard, Monroe.
Henry B. Goodwin, Osceola.
Percy L. Miner, Pepin.
Ralph H. Tolford, Thorp.
Alfred Froseth, Washburn.
August J. Christianson, Webster.
George A. Murray, Wisconsin Veterans' Home.
Arthur Miller, Withee.

## HOUSE OF REPRESENTATIVES

THURSDAY, *February 28, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, O Lord God, that in Thee we have that wisdom and love in which we find our peace and opportunity. Cleanse us from all evil; bless our motives and make them chaste and pure. In diligence and devotion may we study the needs of our country, so that our public service shall flame with high quality. Bestow upon us the blessing of consecrated courage, and let our minds have the freedom of unfettered expression of the truth. Always and ever at the altar of the Republic may we offer the sacrament of allegiance, and may all its institutions serve man and glorify our Heavenly Father. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.; and

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 349. An act to supplement the naturalization laws, and for other purposes;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases; and

H. R. 16714. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 16878) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBINSON of Indiana, Mr. NORBECK, and Mr. STECK to be the conferees on the part of the Senate.

SENATE BILLS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 264. An act for the relief of Margaret I. Varnum; to the Committee on Military Affairs.

S. 2986. An act for the relief of Francis J. McDonald; to the Committee on War Claims.

S. 3623. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes,'" approved February 28, 1920; to the Committee on Interstate and Foreign Commerce.

S. 4274. An act for the relief of James Evans; to the Committee on Military Affairs.

S. 5030. An act for the relief of Eva Broderick; to the Committee on Claims.

S. 5091. An act for the relief of Edward C. Dunlap; to the Committee on Claims.

S. 5245. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes; to the Committee on Public Buildings and Grounds.

S. 5307. An act equalizing annual leave of employees of the Department of Agriculture stationed outside the continental limits of the United States; to the Committee on Agriculture.

S. 5346. An act to provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes; to the Committee on Irrigation and Reclamation.

S. 5379. An act to authorize the disposition of certain public lands in the State of Nevada; to the Committee on the Public Lands.